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ABSTRACT

The Senate Committee on Veterans' Affairs recommended passage of the proposed Veterans' Employment and Training Act of 1992 as amended. The act would authorize the establishment of job training programs for unemployed veterans and persons who have been recently separated from the Armed Forces and would pay assistance and benefits to employers of such veterans and separated service members to defray costs relating to the provision of such training. This document contains the text of the bill and the proposed amendments, a discussion of the bill, including its background and purpose, veterans' eligibility, employer job training programs, monitoring of programs, and coordination with other job training assistance programs. Also discussed are counseling and case management services, additional services and resources, employment services for homeless veterans, program assessment, and authorization appropriations provisions. A cost estimate, a regulatory impact statement, a tabulation of votes cast in committee, agency reports, and changes in existing law made by the proposed act as amended are also provided. (KC)

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Calendar No. 640

102D CONGRESS *2d Session*	SENATE	REPORT 102-377

VETERANS' EMPLOYMENT AND TRAINING ACT OF 1992

REPORT

OF THE

COMMITTEE ON VETERANS' AFFAIRS UNITED STATES SENATE

TO ACCOMPANY

S. 2515

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AUGUST 12 (legislative day, AUGUST 5), 1992.—Ordered to be printed

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Calendar No. 640

102D CONGRESS
2d Session

SENATE

REPORT
102-377

VETERANS' EMPLOYMENT AND TRAINING ACT OF 1992

AUGUST 12 (legislative day, AUGUST 5), 1992.—Ordered to be printed

Mr. CRANSTON, from the Committee on Veterans' Affairs, submitted the following

REPORT

[To accompany S. 2515]

The Committee on Veterans' Affairs, to which was referred the bill (S. 2515) to authorize the establishment of job training programs for unemployed veterans and persons who have been recently separated from the Armed Forces, to pay certain assistance and benefits to employers of such veterans and persons, such veterans, and such persons to defray certain costs relating to the provision of such training, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a committee substitute and an amendment to the title, and recommends that the bill, as amended, do pass.

COMMITTEE AMENDMENTS

The amendments are as follows:

Strike out all after the enacting clause as follows:

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Veterans' Employment and Training Act of 1992".

[SEC. 2. PURPOSE.

[The purpose of this Act is to address the problem of severe and often continuing unemployment among veterans by providing incentives to certain employers to permit such employers to defray the costs of training veterans (including veterans who have been recently separated from an Armed Force as a result of the current reduction in the size of the Armed Forces) and to encourage such employers to employ and train such veterans in stable and permanent positions of employment for which significant training is required.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) The term "Secretary" means the Secretary of Veterans Affairs.

[(2) The terms "veteran", "Armed Forces", "compensation", "service-connected", "State", and "active military, naval, or air service" have the meanings given such terms in paragraphs (2), (10), (13), (16), (20), and (24) of section 101 of title 38, United States Code, respectively.

[SEC. 4. AUTHORITY TO CARRY OUT PROGRAMS.

[(a) IN GENERAL.—In accordance with the provisions of this Act, the Secretary and the Secretary of Labor shall assist eligible veterans in obtaining employment with eligible employers in permanent and stable positions of employment that require significant training. Assistance shall be provided under this Act through—

[(1) the payment of training assistance to employers who employ and train eligible veterans in such positions to assist such employers in defraying the costs of such training; and

[(2) the provision to such veterans of training benefits and appropriate counseling to assist such veterans in receiving such training.

[(b) ASSISTANCE IN CARRYING OUT PROGRAM.—The Secretary of Labor shall carry out that Secretary's responsibilities under this Act through the Assistant Secretary of Labor for Veterans' Employment and Training referred to in section 4102A of title 38, United States Code.

[SEC. 5. ELIGIBILITY OF VETERANS FOR PARTICIPATION IN JOB TRAINING PROGRAMS.

[(a) IN GENERAL.—A veteran may participate in a job training program under this Act if—

[(1) the veteran is eligible for such participation under subsection (b);

[(2) the veteran submits to the Secretary of Labor an application for a certificate of eligibility for participation in the program under subsection (c); and

[(3) the Secretary of Labor issues such a certificate to the veteran under subsection (d).

[(b) ELIGIBILITY.—(1) A veteran is eligible to participate in a job training program if—

[(A) the veteran—

[(i) is unemployed at the time the veteran submits an application for a certificate of eligibility for participation under subsection (c); and

[(ii) has been unemployed for at least 10 of the 15 weeks immediately preceding the date of the veteran's commencement of participation in the program; or

[(B) the veteran was separated from active military, naval, or air service not more than 10 weeks before the commencement of such participation.

[(2) For purposes of paragraph (1), the term "veteran" means a veteran who—

[(A) performed service in the active military, naval, or air service for a period of more than 90 days; or

[(B) was discharged or released therefrom for a service-connected disability.

[(3) For the purposes of paragraph (1), a veteran shall be considered to be unemployed during any period that the veteran is not employed and wants and is available for employment.

[(c) APPLICATION FOR CERTIFICATE OF ELIGIBILITY.—(1) A veteran who desires to participate in a job training program under this Act shall submit to the Secretary of Labor an application for a certificate of eligibility for participation in such a program. Such an application shall—

[(A) include a statement by the veteran that the veteran meets the criteria for eligibility referred to in subsection (b); and

[(B) contain such other information as the Secretary of Labor shall prescribe.

[(2) The Secretary of Labor shall prescribe the form of an application under this subsection.

[(d) CERTIFICATE OF ELIGIBILITY.—(1) Subject to paragraph (2), the Secretary of Labor shall issue to each veteran who meets the eligibility requirements referred to in subsection (b) and who submits an application for a certificate of eligibility under subsection (c) a certificate of eligibility for participation in a job training program under this Act.

[(2) The Secretary of Labor may withhold the issuance of a certificate of eligibility under this subsection to any veteran if the Secretary of Labor determines that it is necessary to limit the number of veterans who participant in job training programs under this Act by reason of a lack of funds to carry out such programs.

[(e) APPEAL OF DENIAL OF CERTIFICATE.—The Secretary of Labor shall permit each veteran who is not issued a certificate of eligibility under subsection (d) (other than a veteran who is not issued such a certificate by reason of paragraph (2) of that subsection) to challenge in a hearing before the Secretary of Labor the failure of the Secretary of Labor to issue the certificate. The Secretary of Labor shall prescribe

procedures with respect to the initiation and conduct of hearings under this subsection.

[(f) PERIOD FOR COMMENCEMENT OF PARTICIPATION UNDER CERTIFICATE.—A veteran who is issued a certificate of eligibility for participation in a job training program under this section shall commence participation in such a program not more than 90 days after the date of the issuance of the certificate. The date on which a certificate is furnished to a veteran shall be stated on the certificate.

[(g) RENEWAL OF CERTIFICATE.—A veteran may apply for a renewal of a certificate of eligibility for participation in a job training program (including a renewal of a renewed certificate). The application for the renewal of any such certificate shall be treated as an initial application for such a certificate under this section.

[SEC. 6. EMPLOYER JOB TRAINING PROGRAMS.

[(a) IN GENERAL.—Job training shall be provided to veterans under this Act by eligible employers through job training programs that meet the requirements of this section.

[(b) ELIGIBLE EMPLOYERS.—An employer is eligible to provide job training to veterans through a job training program under this Act if, as determined by the Secretary of Labor, the employer intends to provide such training in a field of employment providing the reasonable probability of stable, long-term employment.

[(c) REQUIREMENTS OF JOB TRAINING PROGRAMS.—Except as provided in subsection (d) and subject to subsections (f) and (g), in carrying out a job training program under this Act, an employer shall agree as follows:

[(1) To identify a stable and permanent position of employment of the employer—

[(A) in which there is a vacancy at the time of the identification;

[(B) that requires an employee with significant training; and

[(C) for which the employer is willing to provide such training.

[(2) To devise a training program of such period and having such content, training materials, and instructors as are necessary to provide an employee with such training.

[(3) To employ and train in the position on a full-time basis a veteran who—

[(A) has been issued a certificate of eligibility for participation in such a program under section 5(d); and

[(B) is not already qualified for employment in that position by reason of prior training or experience.

[(4) To provide the veteran with such training for a period that is not longer than the period customarily required by similar employers in the community of the employer, if any, to provide similar training to the employees of such employers.

[(5) During such employment and training, to provide the veteran with compensation and other benefits that are similar to the compensation and other benefits provided by the employer to non-veteran employees during such training.

[(6) If practicable, to employ the veteran in that position upon the veteran's completion of the program.

[(d) RESTRICTIONS ON EMPLOYMENT POSITIONS.—An employer may not employ a veteran in a job training program under this Act if—

[(1) the training is for a position of employment—

[(A) that consists of seasonal, intermittent, or temporary employment;

[(B) for which the primary pay is commissions;

[(C) that includes political or religious activities; or

[(D) in any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service or the Postal Rate Commission);

[(2) the training under the program will not be carried out in the United States; or

[(3) the employment of the veteran during the training—

[(A) will result in the displacement (including any reduction in hours of non-overtime work, wages, or employment benefits or other partial displacement) of employees currently employed by the employer; or

[(B) will be in a position of employment—

[(i) while any other employee of the employer is currently laid off from the position or a substantially similar position; or

[(ii) for which there is a vacancy as a result of the employer's reduction of the workforce of the employer (including the termination of any

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regular employee) for the purpose of employing the veteran under the program.

[(e) JOB TRAINING THROUGH EDUCATION.—An eligible employer may provide job training to veterans under this Act, in whole or in part, by permitting such veterans to pursue or enroll in programs of education that—

[(1) are offered by educational institutions that meet the requirements of chapter 36 of title 38, United States Code; and

[(2) do not violate any provision of that chapter.

[(f) LIMITATIONS ON TRAINING PERIODS.—(1) Except as provided in paragraph (2), an employer shall provide a period of training under a job training program under this Act of not less than six months or more than two years.

[(2) An employer may provide a period of training under a job training program of three months to six months if the Secretary of Labor determines that a program of training of that period will satisfy the purposes of a job training program under this Act.

[(g) ADDITIONAL REQUIREMENTS.—The Secretary of Labor may prescribe such additional requirements with respect to job training programs under this section as the Secretary of Labor determines are necessary to carry out the purposes of this Act.

[SEC. 7. APPROVAL OF EMPLOYER JOB TRAINING PROGRAMS.

[(a) IN GENERAL.—The Secretary of Labor shall approve each job training program established by an employer under this Act. The Secretary of Labor shall approve such programs in accordance with this section.

[(b) SUBMITTAL OF APPLICATION FOR APPROVAL.—An employer who intends to carry out a job training program under this Act shall submit to the Secretary of Labor an application for approval of that program. The application for approval shall contain the following:

[(1) A statement that the employer is an eligible employer under section 6(b).

[(2) A statement that the proposed job training program of the employer meets the requirements for such programs established in section 6, together with such documentation to support that statement as the Secretary of Labor may prescribe.

[(3) A statement of—

[(A) the total number of hours of participation required of a veteran under the program;

[(B) the number of weeks that the veteran will participate in the program; and

[(C) the starting wages (and other compensation) of the veteran under the program.

[(4) A description of—

[(A) the training objective of the program; and

[(B) the training content of the program (including the intent, if any, of the employer to permit the veteran to pursue or enroll in a program of education under section 6(e)).

[(5) In the event that training under the program will include a veteran's pursuit of or enrollment in a program of education under section 6(e), a statement of the manner in which such training will include the program of education.

[(c) APPROVAL OF THE SECRETARY OF LABOR.—The Secretary of Labor shall approve a job training program of an employer under this section if the Secretary of Labor determines from the information contained in the application for approval submitted by the employer under subsection (b) that the program meets the requirements for such a program under this Act.

[(d) APPRENTICESHIP PROGRAMS.—(1) Except as provided in paragraph (2), a program of apprenticeship or other on-job training that meets the requirements of section 3687 of title 38, United States Code, shall be considered to be a job training program that is approved by the Secretary of Labor under this section.

[(2) A program of apprenticeship or other on-job training shall not be considered to be a job training program that is approved by the Secretary of Labor under this subsection if it provides for apprenticeship or training for any position of employment referred to in section 6(d)(1).

[(e) DISCONTINUATION OF APPROVAL.—(1) The Secretary of Labor may discontinue approval of any job training program previously approved under subsection (c) if the Secretary of Labor determines that—

[(A) the program no longer meets the requirements of an approved program under this section; or

[(B) the rate of the successful completion of the program by participating veterans is unacceptably low (when compared with rates of such completion for other such programs) by reason of deficiencies in the program.

[(2) In making the determination referred to in paragraph (1)(B), the Secretary of Labor shall take into account any information that the Secretary of Labor considers to be relevant, including—

[(A) the information collected in the quarterly assessment referred to in section 17(b) relating to—

[(i) the number of veterans who are provided with job training under this Act;

[(ii) the number of veterans who receive counseling in connection with job training provided under this Act;

[(iii) the number of veterans who complete such training; and

[(iv) in the case of veterans who do not complete such training, the reasons for such lack of completion; and

[(B) data compiled through employer compliance surveys.

[(3) A job training program that is disapproved by the Secretary of Labor under paragraph (1) shall not be an approved job training program for the purposes of this section.

[(4)(A) Upon disapproving a job training program under this subsection, the Secretary of Labor shall notify the employer carrying out the program and any veterans participating in the program of that disapproval. The notice shall contain—

[(i) a statement of the reasons for that Secretary's disapproval of the program; and

[(ii) a statement that the employer and such veterans are entitled to challenge the disapproval in a hearing before the Secretary of Labor.

[(B) Any notice under this paragraph shall be by certified or registered letter, return receipt requested.

[(5)(A) The Secretary of Labor may reapprove any program that the Secretary of Labor has disapproved under paragraph (1) if the Secretary of Labor determines that the employer has taken appropriate remedial actions with respect to those matters upon which the Secretary of Labor based the disapproval.

[(B) A program that is reapproved under this paragraph shall be considered to be a job training program that is approved by the Secretary of Labor for the purposes of this section.

[SEC. 8. PAYMENTS OF TRAINING ASSISTANCE AND OTHER ASSISTANCE TO EMPLOYERS.

[(a) IN GENERAL.—The Secretary shall pay training assistance to employers who provide job training to veterans in job training programs under this Act.

[(b) AMOUNT OF PAYMENT.—(1) Subject to paragraph (2), for each payment period referred to in subsection (c) during which an employer provides job training to a veteran under this Act, the Secretary shall pay training assistance to the employer of the veteran on behalf of the veteran in an amount equal to 50 percent of the product of—

[(A) the rate of the starting hourly wage (excluding overtime or premium pay) of the veteran under the program; and

[(B) the number of hours worked by the veteran during the period.

[(2) The amount paid to an employer on behalf of a veteran in any year under paragraph (1) may not exceed $5,000.

[(c) PAYMENT PERIOD.—(1) Except as provided in paragraph (2), the Secretary shall pay training assistance to employers under this section on a quarterly basis.

[(2) The Secretary may pay training assistance to an employer on a monthly basis if the Secretary determines (pursuant to regulations prescribed by the Secretary) that the number of employees of the employer is such that the payment of assistance on a quarterly basis would be burdensome to the employer.

[(d) APPROVAL OF SECRETARY OF LABOR.—The Secretary shall pay training assistance to an employer for a quarterly or monthly period (as the case may be) after—

[(1) the Secretary of Labor receives the certifications with respect to that period referred to in subsection (e);

[(2) the Secretary of Labor approves of the payment of such assistance for that period based upon such certifications; and

[(3) the Secretary of Labor transmits notice of such approval to the Secretary.

[(e) CERTIFICATIONS RELATING TO PAYMENT.—(1) Subject to paragraph (2), with respect to each period for which an employer seeks payment of training assistance on behalf of a veteran under this section, the following shall be submitted to the Secretary of Labor:

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[(A) By the employer, a certification—

[(i) that the employer provided the veteran with training during the period;

[(ii) of the number of hours worked by the veteran in the program during the period; and

[(iii) that the progress of the veteran in the training program during the period was satisfactory.

[(B) By the veteran, a certification that the veteran was provided with job training by the employer in a job training program on a full-time basis during the period.

[(2) The first certification submitted to the Secretary of Labor by an employer under paragraph (1)(A) and by a veteran under paragraph (1)(B) shall include—

[(1) the date on which the veteran commenced participation in the job training program; and

[(2) the rate of the starting hourly wage of the veteran under the program.

[(f) PAYMENT OF ASSISTANCE TO ACCOMMODATE DISABLED VETERANS.—(1) The Secretary shall pay accommodation assistance to employers who provide job training to disabled veterans under this Act to permit such employers to make modifications of the facilities or equipment of such employers on behalf of such veterans to facilitate the training and employment of such veterans.

[(2) To be eligible for the payment of accommodation assistance for modifications of facilities or equipment made on behalf of a disabled veteran under this subsection, an employer shall submit to the Secretary of Labor—

[(A) prior to the commencement of such modifications, a detailed proposal relating to such modifications, including the estimated cost of such modifications; and

[(B) upon the completion of such modifications, any documentation that the Secretary may require that indicates (i) that the employer has completed such modifications, and (ii) the final cost of such modifications.

[(3)(A) The Secretary of Labor shall—

[(i) approve each proposal for modifications submitted to the Secretary of Labor under paragraph (2)(A);

[(ii) approve the cost of each modification indicated in the documentation submitted to the Secretary of Labor under paragraph (2)(B); and

[(iii) transmit a notice of each such approval to the Secretary.

[(B) The Secretary of Labor shall approve the cost of a modification of facilities or equipment under paragraph (A)(ii) only if the Secretary of Labor determines that the cost of the modification is reasonable.

[(4) The Secretary shall pay as accommodation assistance under this subsection the cost of any modification approved by the Secretary of Labor under paragraph (3)(A)(ii). The total amount of accommodation assistance payable to an employer for modifications made by the employer on behalf of a disabled veteran under this subsection may not exceed $3,000.

[(5) Each employer paid accommodation assistance under this subsection shall permit the Secretary of Labor reasonable access to the facilities and equipment of the employer to enable the Secretary of Labor to ensure that the employer has made the modifications of such facilities and equipment in accordance with the proposals and documentation submitted to the Secretary of Labor by the employer.

[(6) For the purposes of this subsection, modifications of facilities or equipment on behalf of a disabled veteran shall include any improvement, alteration, or purchase of facilities or equipment that is necessary to make the facilities or equipment readily accessible to, and usable by, a disabled veteran.

[(g) OVERPAYMENT.—(1) A payment of training assistance (other than accommodation assistance under subsection (f)) to an employer on behalf of a veteran for a quarterly or monthly period, as the case may be, shall be an overpayment of assistance for that period if the Secretary or the Secretary of Labor determines that—

[(A) during that period, the employer—

[(i) has failed to comply in material respect with the requirements of this Act; and

[(ii) is responsible for such failure;

[(B) the payment is based upon the willful submittal by the employer to the Secretary of Labor in a certification under subsection (d)(1)(A) of material information that the employer knows to be false;

[(C) the payment is based upon the willful or negligent submittal by the veteran to the employer of any material information that is false;

[(D) the payment is based upon the willful or negligent submittal by the veteran to the Secretary of Labor in an application for a certificate of eligibility for

participation in the program under section 5(b) of any material information that is false; or

[(E) the payment is based upon the willful or negligent submittal by the veteran to the Secretary of Labor in a certification under subsection (d)(1)(B) of any material information that is false.

[(2)(A) An employer shall be liable to the United States for an overpayment referred to in subparagraph (A) or (B) of paragraph (1).

[(B) A veteran shall be liable to the United States for an overpayment referred to in subparagraph (C), (D), or (E) of that paragraph.

[(h) RECOVERY OF OVERPAYMENT.—(1) Except as provided in paragraph (2), the Secretary may recover an overpayment under this section by any method that is provided by law for the recovery of amounts owing to the Federal Government. Any overpayment recovered shall be credited to the account relating to the funds available to carry out this Act. If there is no such account, any overpayment recovered shall be covered into the Treasury.

[(2) The Secretary may waive the recovery of an overpayment under this section, in whole or in part, in accordance with the provisions of section 5302 of title 38, United States Code.

[SEC. 9. TRAINING BENEFITS FOR VETERANS.

[(a) IN GENERAL.—The Secretary shall pay training benefits to veterans who participate in job training programs under this Act. The purpose of such training benefits is to assist such veterans in defraying the cost of work-related expenses. The total amount of training benefits payable to a veteran by the Secretary under this section may not exceed $1,500.

[(b) APPROVAL OF SECRETARY OF LABOR.—A veteran shall be entitled to the payment of a training benefit for work-related expenses incurred by the veteran if—

[(1) the veteran submits to the Secretary of Labor an application for payment (in such form and including such documentation as the Secretary of Labor may require) stating the amount of any such expenses incurred by the veteran as a result of the veteran's participation in a job training program under this Act; and

[(2) the Secretary of Labor approves the payment of a training benefit with respect to such expenses.

[(c) ADMINISTRATION OF PAYMENT.—The Secretary of Labor, in consultation with the Secretary, shall prescribe the manner of the payment of training benefits under this section, including the period and frequency of the payment of benefits to veterans and the means of ensuring the prompt payment of benefits to veterans by the Secretary.

[(d) OVERPAYMENT.—(1) A veteran shall not be entitled to the payment of a training benefit under this section if the veteran terminates participation in a job training program prior to the scheduled date of the completion of the program by the veteran.

[(2) In the event that the Secretary determines that a veteran has been paid a training benefit to which the veteran was not entitled, the amount of the benefit paid to the veteran to which the veteran was not so entitled shall constitute an overpayment of the benefit and a liability of the veteran to the United States.

[(e) RECOVERY OF OVERPAYMENT.—(1) Subject to paragraph (2), the United States may recover an overpayment of a training benefit from a veteran by any method that is provided by law for the recovery of amounts owing to the Federal Government.

[(2) The Secretary may waive the recovery of an overpayment of a training benefit, in whole or in part, in accordance with the provisions of section 5302 of title 38, United States Code.

[(f) DEFINITION.—For the purposes of this section, the term "work-related expenses", in the case of a veteran who participates in a job training program under this Act, means any expenses incurred by the veteran by reason of such participation, including expenses for the purchase of work clothes and tools, car or bus fare, and the provision of child care.

[SEC. 10. PROHIBITION ON COMMENCEMENT OF JOB TRAINING PROGRAMS UNDER CERTAIN CIRCUMSTANCES.

[(a) IN GENERAL.—An employer may not provide a veteran with job training under a job training program if the Secretary determines that, on the date on which the employer intends to commence providing such training, there are insufficient funds available under this Act to carry out the program.

[(b) COMMENCEMENT OF PROGRAM.—Each employer shall—

[(1) notify the Secretary of the employer's intention to commence furnishing job training to a veteran under a job training program not less than 14 days before such commencement; and

[(2) commence the program in accordance with that notification unless the Secretary advises the employer within the 14-day period referred to in paragraph (1) that there are insufficient funds available under this Act to carry out the program.

[(c) ADDITIONAL REQUIREMENT RELATING TO COMMENCEMENT OF PROGRAM.—An employer who provides a veteran with job training in a job training program under this Act shall provide the veteran with a copy of the application for approval of the program submitted by the employer to the Secretary of Labor under section 7(b).

[SEC. 11. INVESTIGATION AND MONITORING OF PROGRAMS BY THE SECRETARY OF LABOR.

[(a) IN GENERAL.—(1) The Secretary of Labor shall ensure that the job training programs carried out under this Act (including the activities of veterans and employers under such programs) are carried out in accordance with the provisions of this Act. In ensuring such compliance, the Secretary of Labor may investigate any matter relating to a job training program (including any application of a veteran for a certificate of eligibility under section 5(c), any employer application for approval of a program under section 7(b), and any program records under subsection (b) of this section).

[(2) In conducting an investigation under paragraph (1), the Secretary of Labor may enter onto the premises at which an employer furnishes job training under a job training program and question employees of the employer (including any veterans who are provided with job training under the program) with respect to the program.

[(b) PROGRAM RECORDS.—(1) Each employer that provides job training in a job training program under this Act shall maintain such records of the provision of such training as are necessary for the Secretary of Labor to monitor the provision of such training. The Secretary of Labor shall prescribe the form and content of such records.

[(2) The Secretary of Labor shall have reasonable access to the records maintained by employers under paragraph (1) for the purpose of monitoring the provision of job training by such employers.

[SEC. 12. COORDINATION WITH OTHER JOB TRAINING ASSISTANCE PROGRAMS.

[(a) PROHIBITION ON RECEIPT OF CREDIT OR ASSISTANCE FOR VETERANS PARTICIPATING IN CERTAIN OTHER PROGRAMS.—(1) An employer may not be paid training assistance on behalf of a veteran under section 8 during the period referred to in paragraph (3) if, during that period, the employer is allowed a tax credit or is paid an allowance for that veteran under any of the following provisions of law:

[(A) Chapter 31, 32, 34, 35, or 36 of title 38, United States Code.

[(B) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

[(C) Section 44B of the Internal Revenue Code of 1986 (relating to tax credits for employment of certain new employees).

[(2) A veteran may not be paid training benefits under section 9 during the period referred to in paragraph (3) if, during that period, the veteran is paid or receives a benefit or allowance under any of the provisions of law referred to in subparagraphs (A) through (C) of paragraph (1).

[(3) The period referred to in this paragraph is the period beginning on the date on which an employer begins to provide job training to a veteran under a job training program under this Act and ending on the date on which the employer ceases to provide such training to the veteran under the program.

[(b) PROHIBITION ON RECEIPT OF CREDIT OR ASSISTANCE FOR VETERANS WHO COMPLETE CERTAIN PROGRAMS.—An employer may not be paid training assistance under section 8 on behalf of a veteran, and a veteran may not be paid benefits under section 9, for participation of the veteran in a job training program under this Act if the veteran has completed a program of job training under this Act or under the Veterans' Job Training Act (29 U.S.C. 1721 note).

[SEC. 13. COUNSELING AND CASE MANAGEMENT SERVICES.

[(a) AUTHORITY TO PROVIDE COUNSELING SERVICES.—(1)(A) The Secretary and the Secretary of Labor may provide the employment counseling services and employment guidance services referred to in subparagraph (B) to veterans who are issued certificates of eligibility for participation in a job training program under section 5(d).

[(B) The counseling services and guidance services authorized under this paragraph are services relating to the development of any job-readiness skills and serv-

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ices relating to any other assistance that a veteran may require (as determined by the Secretary and the Secretary of Labor) to enable the veteran to participate in a job training program under this Act, including assistance relating to the resolution of difficulties encountered by the veteran in finding, applying for, and participating in a job training program that is suitable to the veteran.

[(2) In the event that the Secretary and the Secretary of Labor exercise the authority to provide counseling services to veterans under this subsection, the Secretary and the Secretary of Labor shall—

[(A) upon the issuance to a veteran of a certificate of eligibility for participation in a job training program under section 5(d), advise veterans of the availability of such counseling services;

[(B) urge such veterans to request such services; and

[(C) provide such services to veterans upon the request of such veterans.

[(3) To the extent practicable, the Secretary and the Secretary of Labor shall coordinate the provision of counseling services and guidance services under this subsection, if any, with counseling services provided under section 1712A, 4103A, 4104, 7723, and 7724 of title 38, United States Code.

[(b) CASE MANAGEMENT SERVICES.—(1) The Secretary of Labor shall establish a program of case management services under which the Secretary of Labor shall provide the services described in paragraph (2) to the veterans referred to in paragraph (3) and (4).

[(2) The Secretary of Labor shall provide case management services under this subsection as follows:

[(A) By assigning to each veteran eligible for such services under this subsection a case manager who is a disabled veterans' outreach program specialist appointed pursuant to section 4103A of title 38, United States Code.

[(B) By ensuring that the veteran has a personal interview with the outreach specialist not later than 60 days after the date on which the veteran commences participation in a job training program under this Act.

[(C) By ensuring that the veteran meets personally with the outreach specialist on a monthly basis for the purpose of—

[(i) preventing the unnecessary voluntary or involuntary termination of the veteran from the program;

[(ii) referring the veteran to appropriate counseling, if necessary;

[(iii) following the veteran's progress in the program;

[(iv) facilitating the veteran's successful completion of the program; and

[(v) assessing the veteran's participation in and, as applicable, completion of the program.

[(3)(A) Except as provided in subparagraph (B), the Secretary of Labor shall provide case management services under this subsection to any veteran who—

[(i) is issued a certificate of eligibility for participation in a job training program under this Act; and

[(ii) notifies the Secretary of Labor that the veteran has identified an employer with which the veteran will participate in such a program.

[(B) The Secretary of Labor is not required to provide a veteran with case management services referred to in paragraph (2)(C) if—

[(i) on the basis of a personal interview between the veteran and an outreach specialist under paragraph (2)(B), the outreach specialist recommends that the veteran does not need such services and the Secretary of Labor ratifies that recommendation; or

[(ii) the Secretary of Labor determines that—

[(I) the employer of the veteran under the program has an appropriate and effective employee assistance program that is available to the veteran; or

[(II) the rate of successful completion of the program by veterans on the date the veteran intends to commence participation in the program (either during the course of the entire program or during the calendar year preceding that date) is more than 60 percent.

[(4) Notwithstanding paragraph (3), the Secretary of Labor, after consultation with the Secretary, shall provide case management services under this section to each veteran—

[(A) whose participation in a job training program is terminated (either voluntarily or involuntarily); and

[(B) who applies to the Secretary of Labor for a certificate of eligibility for participation in another such program under section 5(c).

[(d) COUNSELING INFORMATION.—(1) The Secretary and the Secretary of Labor shall carry out a program to provide to veterans who participate in job training pro-

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grams under this Act information relating to the availability and scope of the following:

[(A) The counseling services and guidance services, if any, provided under subsection (a).

[(B) The case management services, if any, provided under subsection (b).

[(C) The supportive services and resources available to service-connected disabled veterans and veterans who are recently separated from military service under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1721 et seq.).

[(D) Any additional counseling services, guidance services, and other support services and resources available to veterans through appropriate Federal, State, and local agencies.

[(2) In order to facilitate the provision of services and information to veterans under paragraph (1), the Secretary and the Secretary of Labor shall advise the veterans referred to in that paragraph of the availability, if any, of such services and information not later than the date upon which the Secretary of Labor issues a certificate of eligibility for participation in a job training program under section 5(d).

[(e) PAYMENT FOR THE PROVISION OF COUNSELING AND OTHER SERVICES.—(1) Notwithstanding any other provision of law, the Secretary may enter into contracts with appropriate entities or individuals for the provision by such entities or individuals of counseling services, guidance services, case management services, or other services under this section. Such contracts shall contain any terms or conditions that the Secretary determines to be necessary to ensure the appropriate provision of such services and to protect the interests of the United States.

[(2) The Secretary may pay entities or individuals for the provision of services under paragraph (1) in accordance with the contracts entered into with such entities or individuals under that paragraph. Any such payments shall be made from the account relating to the funds available for readjustment benefits referred to in section 3104(a)(7)(B) of title 38, United States Code.

[(3) The total amount that the Secretary may pay out of the account referred to in paragraph (2) for the provision of services under this subsection in any fiscal year may not exceed an amount equal to 2 percent of the amount obligated to carry out the purposes of this Act in that fiscal year.

[SEC. 14. INFORMATION AND OUTREACH SERVICES.

[(a) INFORMATION AND OUTREACH SERVICES.—Subject to subsection (b), the Secretary and the Secretary of Labor shall carry out a program of public information and outreach under which program the Secretary and the Secretary of Labor shall—

[(1) inform veterans of the job training programs (and other employment opportunities) provided for under—

[(A) this Act;

[(B) chapters 30, 31, 36, 41, and 42 of title 38, United States Code; and

[(C) any other applicable provisions of law, as determined by the Secretary and the Secretary of Labor;

[(2) inform private businesses (including small businesses), appropriate public agencies and organizations, institutions of higher education, trade associations, and labor organizations of such training programs and employment opportunities; and

[(3) promote the development of job training and employment opportunities for veterans by—

[(A) encouraging employers to create job training programs under this Act;

[(B) advising appropriate Federal departments and agencies of the authority provided for under this Act for the establishment of job training programs; and

[(C) advising employers of the responsibilities of employers of veterans under chapters 41 and 42 of title 38, United States Code.

[(b) COORDINATION OF PROGRAMS.—To the extent practicable, the Secretary and the Secretary of Labor shall coordinate the provision of public information and outreach program under this section with the provision of job counseling, placement, development, and other services under chapters 41 and 42 of title 38, United States Code, and with the provision of similar services offered by other Federal, State and local agencies and organizations.

[SEC. 15. ADDITIONAL ASSISTANCE AND RESOURCES.

[(a) PERSONNEL.—(1) The Secretary shall make available in regional and local offices of the Department of Veterans Affairs, and the Secretary of Labor shall make

available in regional and local offices of the Department of Labor, such personnel as are necessary to carry out the provisions of this Act.

[(2) In carrying out the responsibilities of the Secretary of Labor under this Act, the Secretary of Labor shall, to the maximum extent practicable, make use of the services of Directors for Veterans' Employment and Training and Assistant Directors for Veterans' Employment and Training appointed under section 4103 of title 38, United States Code, disabled veterans' outreach program specialists appointed pursuant to section 4103A of that title, and local veterans' employment representatives appointed under section 4104 of that title.

[(b) ASSISTANCE OF SMALL BUSINESS ADMINISTRATION.—(1) The Secretary of Labor shall obtain from the Administrator of the Small Business Administration a list of small businesses that are suitable businesses (as determined by the Administrator in consultation with the Secretary of Labor) to carry out job training programs under this Act.

[(2) The Administrator of the Small Business Administration shall update the list referred to in paragraph (1) on a regular basis (as determined by the Secretary of Labor).

[(c) USE OF RESOURCES AVAILABLE UNDER JOB TRAINING PARTNERSHIP ACT.—(1) To facilitate the carrying out of job training programs under this Act, the Secretary of Labor shall, to the extent practicable, use such resources as are available to assist service-connected disabled veterans and veterans who are recently separated from military service under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1721 et seq.).

[(2) The Secretary of Labor shall assist veterans who are denied certificates of eligibility for participation in job training programs under section 5 in taking advantage of any opportunities available to such veterans under any programs carried out pursuant to title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.) or under any other similar programs that are carried out with funds made available to the Secretary of Labor.

[SEC. 16. PILOT PROGRAM OF EMPLOYMENT SERVICES FOR HOMELESS VETERANS.

[(a) IN GENERAL.—(1) In each of fiscal years 1993 through 1997, the Secretary of Labor shall award grants to the entities referred to in paragraph (2) with which such entities shall provide employment assistance (including counseling and other assistance) to homeless veterans. The Secretary of Labor shall prescribe procedures for the award of such grants.

[(2) An entity entitled to a grant under this subsection is any nonprofit entity determined by the Secretary of Labor (under regulations prescribed by that Secretary) to have special expertise or experience in the provision of employment assistance to homeless individuals or in other employment matters relating to such individuals.

[(b) FUNDING LIMITATION.—In carrying out this section, the Secretary of Labor may use not more than $5,000,000 of the funds obligated or otherwise made available to the Department of Veterans Affairs and the Department of Labor in each of fiscal years 1993 through 1997 pursuant to the authorization of appropriations referred to in section 20.

[SEC. 17. PROGRAM ASSESSMENT.

[(a) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary, shall evaluate on an annual basis the status of the programs authorized and carried out under this Act to ensure that such programs satisfy the purposes of this Act.

[(b) QUARTERLY ASSESSMENT.—The Secretary of Labor shall collect on a quarterly basis from appropriate officials of State employment services or offices and the Directors of Veterans' Employment and Training of each State in which job training programs are carried out under this Act the following information:

[(1) The number of veterans in the State who were certified for participation in such programs under section 5(d) during the previous calendar quarter.

[(2) The number of such veterans who participated in such programs during that period.

[(3) The number of such veterans who completed participation in such programs during that period.

[(4) The number of veterans who terminated (either voluntarily or involuntarily) participation in such programs, and the reasons for each such termination.

[(5) Such other information as the Secretary of Labor, in consultation with the Secretary, determines to be appropriate for the purposes of ensuring the effective administration of the programs.

[SEC. 18. REPORTS.

[(a) PRELIMINARY REPORT.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit to the committees referred to in paragraph (2) a report on—

[(A) the actions taken by the Secretary and the Secretary of Labor to implement this Act; and

[(B) the estimated administrative costs of carrying out this Act.

[(2) The Secretary of Labor shall submit the report under paragraph (1) to the following:

[(A) The Committee on Veterans' Affairs of the Senate.

[(B) The Committee on Labor and Human Resources of the Senate.

[(C) The Committee on Veterans' Affairs of the House of Representatives.

[(D) The Committee on Education and Labor of the House of Representatives.

[(b) ANNUAL REPORTS.—Not later than March 31, 1994, and on an annual basis thereafter, the Secretary of Labor shall submit to the committees referred to in subsection (a)(2) a report containing the following:

[(1) The general assessment of the Secretary of Labor under section 17(a) of the programs carried out under this Act during the calendar year preceding the report.

[(2) The quarterly assessments carried out by the Secretary of Labor under section 17(b) for each of the four calendar quarters preceding the date of the report.

[(3) A statement by the Secretary relating to—

[(A) amounts paid by the Secretary to employers and veterans under this Act during such calendar quarters;

[(B) any obligation of funds in connection with the implementation of this Act that is projected by the Secretary for the calendar year following the report;

[(C) a general assessment by the Secretary of the adequacy and timeliness of payments made by the Secretary under this Act; and

[(D) such other information as the Secretary considers appropriate relating to the process of making payments to employers and veterans under this Act.

[(4) Any additional assessments, matters, or recommendations that the Secretary of Labor or the Secretary consider appropriate.

[SEC. 19. TERMINATION OF PROGRAM.

[An employer may not be paid training assistance on behalf of a veteran under section 8 and a veteran may not be paid training benefits under section 9 with respect to any training provided to the veteran in a job training program under this Act if the training is provided after September 30, 1997.

[SEC. 20. AUTHORIZATION OF APPROPRIATIONS.

[(a) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Department of Veterans Affairs and the Department of Labor for the purpose of carrying out the provisions of this Act the following:

[(A) $75,000,000 in fiscal year 1993.

[(B) $100,000,000 in fiscal year 1994.

[(C) $125,000,000 in fiscal year 1995.

[(D) $125,000,000 in fiscal year 1996.

[(E) $100,000,000 in fiscal year 1997.

[(2) Amounts appropriated pursuant to this section shall remain available until September 30, 1997, without fiscal year limitation.

[(b) LIMITATION ON OBLIGATION FOR ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated or otherwise made available to the Department of Veterans Affairs and the Department of Labor in a fiscal year pursuant to the authorization of appropriations for that fiscal year under subsection (a) may be obligated for administrative activities of the Secretary or the Secretary of Labor under this Act.]

and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Employment and Training Act of 1992".

SEC. 2. PURPOSE.

The purpose of this Act is to address the problem of severe and often continuing unemployment among veterans by providing incentives to certain employers to permit such employers to defray the costs of training veterans (including veterans

who have been recently separated from an Armed Force as a result of the current reduction in the size of the Armed Forces) and to encourage such employers to employ and train such veterans in stable and permanent positions of employment for which significant training is required.

SEC. 3. DEFINITIONS.

In this Act:

(1) The term "Secretary" means the Secretary of Labor.

(2) The terms "veteran", "Armed Forces", "compensation", "service-connected", "State", and "active military, naval, or air service" have the meanings given such terms in paragraphs (2), (10), (13), (16), (20), and (24) of section 101 of title 38, United States Code, respectively.

SEC. 4. AUTHORITY TO CARRY OUT PROGRAMS.

(a) IN GENERAL.—In accordance with the provisions of this Act, the Secretary shall assist eligible veterans in obtaining employment with eligible employers in permanent and stable positions of employment that require significant training. Assistance shall be provided under this Act through—

(1) the payment of training assistance to employers who employ and train eligible veterans in such positions to assist such employers in defraying the costs of such training; and

(2) the provision to such veterans of training benefits and appropriate counseling to assist such veterans in receiving such training.

(b) ASSISTANCE IN CARRYING OUT PROGRAM.—The Secretary of Labor shall carry out that Secretary's responsibilities under this Act through the Assistant Secretary of Labor for Veterans' Employment and Training referred to in section 4102A of title 38, United States Code.

SEC. 5. ELIGIBILITY OF VETERANS FOR PARTICIPATION IN JOB TRAINING PROGRAMS.

(a) IN GENERAL.—A veteran may participate in a job training program under this Act if—

(1) the veteran is eligible for such participation under subsection (b);

(2) the veteran submits to the Secretary an application for a certificate of eligibility for participation in the program under subsection (c); and

(3) the Secretary issues such a certificate to the veteran under subsection (d).

(b) ELIGIBILITY.—(1) A veteran eligible to participate in a job training program is any veteran unemployed at the time the veteran submits an application for a certificate of eligibility under section (c) who—

(A) has not been employed on a full-time basis during at least 10 the 15 weeks immediately preceding the date of the veteran's commencement of participation in the program; or

(B) was separated from active military, naval, or air service not more than 10 weeks before the commencement of such participation.

(2) For purposes of paragraph (1), the term "veteran" means a veteran who—

(A) performed service in the active military, naval, or air service for a period of more than 90 days; or

(B) was discharged or released therefrom for a service-connected disability.

(3) For the purposes of paragraph (1), a veteran shall be considered to employed during any period of part-time or temporary employment (as determined under regulations prescribed by the Secretary).

(c) APPLICATION FOR CERTIFICATE OF ELIGIBILITY.—(1) A veteran who desires to participate in a job training program under this Act shall submit to the Secretary an application for a certificate of eligibility for participation in such a program. Such an application shall—

(A) include a statement by the veteran that the veteran meets the criteria for eligibility referred to in subsection (b); and

(B) contain such other information as the Secretary shall prescribe.

(2) The Secretary shall prescribe the form of an application under this subsection.

(d) CERTIFICATE OF ELIGIBILITY.—(1) Subject to paragraph (2), the Secretary shall issue to each veteran who meets the eligibility requirements referred to in subsection (b) and who submits an application for a certificate of eligibility under subsection (c) a certificate of eligibility for participation in a job training program under this Act.

(2) The Secretary may withhold the issuance of a certificate of eligibility under this subsection to any veteran if the Secretary determines that it is necessary to limit the number of veterans who participate in job training programs under this Act by reason of a lack of funds to carry out such programs.

(e) APPEAL OF DENIAL OF CERTIFICATE.—The Secretary shall permit each veteran who is not issued a certificate of eligibility under subsection (d) (other than a veteran who is not issued such a certificate by reason of paragraph (2) of that subsection) to challenge in a hearing before the Secretary the failure of the Secretary to issue the certificate. The Secretary shall prescribe procedures with respect to the initiation and conduct of hearings under this subsection.

(f) PERIOD FOR COMMENCEMENT OF PARTICIPATION UNDER CERTIFICATE.—A veteran who is issued a certificate of eligibility for participation in a job training program under this section shall commence participation in such a program not more than 90 days after the date of the issuance of the certificate. The date on which a certificate is furnished to a veteran shall be stated on the certificate.

(g) RENEWAL OF CERTIFICATE.—A veteran may apply for a renewal of a certificate of eligibility for participation in a job training program (including a renewal of a renewed certificate). The application for the renewal of any such certificate shall be treated as an initial application for such a certificate under this section.

SEC. 6. EMPLOYER JOB TRAINING PROGRAMS.

(a) IN GENERAL.—Job training shall be provided to veterans under this Act by eligible employers through job training programs that meet the requirements of this section.

(b) ELIGIBLE EMPLOYERS.—An employer is eligible to provide job training to veterans through a job training program under this Act if, as determined by the Secretary, the employer intends to provide such training in a field of employment providing the reasonable probability of stable, long-term employment.

(c) REQUIREMENTS OF JOB TRAINING PROGRAMS.—Except as provided in subsection (d) and subject to subsections (f) and (g), in carrying out a job training program under this Act, an employer shall agree as follows:

(1) To identify a stable and permanent position of employment of the employer—

(A) in which there is a vacancy at the time of the identification;

(B) that requires an employee with significant training; and

(C) for which the employer is willing to provide such training.

(2) To devise a training program of such period and having such content, training materials, and instructors as are necessary to provide an employee with such training.

(3) To employ and train in the position on a full-time basis a veteran who—

(A) has been issued a certificate of eligibility for participation in such a program under section 5(d); and

(B) is not already qualified for employment in that position by reason of prior training or experience.

(4) To provide the veteran with such training for a period that is not longer than the period customarily required by similar employers in the community of the employer, if any, to provide similar training to the employees of such employers.

(5) During such employment and training, to provide the veteran with compensation and other benefits that are similar to the compensation and other benefits provided by the employer to non-veteran employees during such training.

(6) Unless intervening circumstance have made it economically impracticable for the employer to do so, to employ the veteran in that position upon the veteran's completion of the program.

(d) RESTRICTIONS ON EMPLOYMENT POSITIONS.—An employer may not employ a veteran in a job training program under this Act if—

(1) the training is for a position of employment—

(A) that consists of seasonal, intermittent, or temporary employment;

(B) for which the primary pay is commissions;

(C) that includes political or religious activities; or

(D) in any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service or the Postal Rate Commission);

(2) the training under the program will not be carried out in the United States; or

(3) the employment of the veteran during the training—

(A) will result in the displacement (including any reduction in hours of non-overtime work, wages, or employment benefits or other partial displacement) of employees currently employed by the employer; or

(B) will be in a position of employment—

(i) while any other employee of the employer is currently laid off from the position or a substantially similar position; or

(ii) for which there is a vacancy as a result of the employer's reduction of the workforce of the employer (including the termination of any regular employee) for the purpose of employing the veteran under the program.

(e) JOB TRAINING THROUGH EDUCATION.—An eligible employer may provide job training to veterans under this Act, in whole or in part, by permitting such veterans to pursue or enroll in programs of education that—

(1) are offered by educational institutions that meet the requirements of chapter 36 of title 38, United States Code; and

(2) do not violate any provision of that chapter.

(f) LIMITATIONS ON TRAINING PERIODS.—(1) Except as provided in paragraph (2), an employer shall provide a period of training under a job training program under this Act of not less than six months or more than two years.

(2) An employer may provide a period of training under a job training program of three months to six months if the Secretary determines that a program of training of that period will satisfy the purposes of a job training program under this Act.

(g) ADDITIONAL REQUIREMENTS.—The Secretary may prescribe such additional requirements with respect to job training programs under this section as the Secretary determines are necessary to carry out the purposes of this Act.

SEC. 7. APPROVAL OF EMPLOYER JOB TRAINING PROGRAMS.

(a) IN GENERAL.—The Secretary shall approve each job training program established by an employer under this Act. The Secretary shall approve such programs in accordance with this section.

(b) SUBMITTAL OF APPLICATION FOR APPROVAL.—An employer who intends to carry out a job training program under this Act shall submit to the Secretary an application for approval of that program. The application for approval shall contain the following:

(1) A statement that the employer is an eligible employer under section 6(b).

(2) A statement that the proposed job training program of the employer meets the requirements for such programs established in section 6, together with such documentation to support that statement as the Secretary may prescribe.

(3) A statement of—

(A) the total number of hours of participation required of a veteran under the program;

(B) the number of weeks that the veteran will participate in the program; and

(C) the starting wages (and other compensation) of the veteran under the program.

(4) A description of—

(A) the training objective of the program; and

(B) the training content of the program (including the intent, if any, of the employer to permit the veteran to pursue or enroll in a program of education under section 6(e)).

(5) In the event that training under the program will include a veteran's pursuit of or enrollment in a program of education under section 6(e), a statement of the manner in which such training will include the program of education.

(c) APPROVAL OF THE SECRETARY.—The Secretary shall approve a job training program of an employer under this section if the Secretary determines from the information contained in the application for approval submitted by the employer under subsection (b) that the program meets the requirements for such a program under this Act.

(d) APPRENTICESHIP PROGRAMS.—(1) Except as provided in paragraph (2), a program of apprenticeship or other on-job training that meets the requirements of section 3687 of title 38, United States Code, shall be considered to be a job training program that is approved by the Secretary under this section.

(2) A program of apprenticeship or other on-job training shall not be considered to be a job training program that is approved by the Secretary under this subsection if it provides for apprenticeship or training for any position of employment referred to in section 6(d)(1).

(e) DISCONTINUATION OF APPROVAL.—(1) The Secretary may discontinue approval of any job training program previously approved under subsection (c) if the Secretary determines that—

(A) the program no longer meets the requirements of an approved program under this section; or

(B) the rate of the successful completion of the program by participating veterans is unacceptably low (when compared with rates of such completion for other such programs) by reason of deficiencies in the program.

(2) In making the determination referred to in paragraph (1)(B), the Secretary shall take into account any information that the Secretary considers to be relevant, including—

(A) the information collected in the quarterly assessment referred to in section 17(b) relating to—

(i) the number of veterans who are provided with job training under this Act;

(ii) the number of veterans who receive counseling in connection with job training provided under this Act;

(iii) the number of veterans who complete such training; and

(iv) in the case of veterans who do not complete such training, the reasons for such lack of completion; and

(B) data compiled through employer compliance surveys.

(3) A job training program that is disapproved by the Secretary under paragraph (1) shall not be an approved job training program for the purposes of this section.

(4)(A) Upon disapproving a job training program under this subsection, the Secretary shall notify the employer carrying out the program and any veterans participating in the program of that disapproval. The notice shall contain—

(i) a statement of the reasons for that Secretary's disapproval of the program; and

(ii) a statement that the employer and such veterans are entitled to challenge the disapproval in a hearing before the Secretary.

(B) Any notice under this paragraph shall be by certified or registered letter, return receipt requested.

(5)(A) The Secretary may reapprove any program that the Secretary has disapproved under paragraph (1) if the Secretary determines that the employer has taken appropriate remedial actions with respect to those matters upon which the Secretary based the disapproval.

(B) A program that is reapproved under this paragraph shall be considered to be a job training program that is approved by the Secretary for the purposes of this section.

SEC. 8. PAYMENTS OF TRAINING ASSISTANCE AND OTHER ASSISTANCE TO EMPLOYERS.

(a) IN GENERAL.—The Secretary shall pay training assistance to employers who provide job training to veterans in job training programs under this Act.

(b) AMOUNT OF PAYMENT.—(1) Subject to paragraph (2), for each payment period referred to in subsection (c) during which an employer provides job training to a veteran under this Act, the Secretary shall pay training assistance to the employer of the veteran on behalf of the veteran in an amount equal to 50 percent of the product of—

(A) the rate of the starting hourly wage (excluding overtime or premium pay) of the veteran under the program; and

(B) the number of hours worked by the veteran during the period.

(2) The amount paid to an employer on behalf of a veteran in any year under paragraph (1) may not exceed $7,500.

(c) PAYMENT PERIOD.—(1) Except as provided in paragraph (2), the Secretary shall pay training assistance to employers under this section on a quarterly basis.

(2) The Secretary may pay training assistance to an employer on a monthly basis if the Secretary determines (pursuant to regulations prescribed by the Secretary) that the number of employees of the employer is such that the payment of assistance on a quarterly basis would be burdensome to the employer.

(d) APPROVAL OF SECRETARY.—The Secretary shall pay training assistance to an employer for a quarterly or monthly period (as the case may be) after—

(1) the Secretary receives the certifications with respect to that period referred to in subsection (e); and

(2) the Secretary approves of the payment of such assistance for that period based upon such certifications.

(e) CERTIFICATIONS RELATING TO PAYMENT.—(1) Subject to paragraph (2), with respect to each period for which an employer seeks payment of training assistance on behalf of a veteran under this section, the following shall be submitted to the Secretary:

(A) By the employer, a certification—

(i) that the employer provided the veteran with training during the period;

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(ii) of the number of hours worked by the veteran in the program during the period; and

(iii) that the progress of the veteran in the training program during the period was satisfactory.

(B) By the veteran, a certification that the veteran was provided with job training by the employer in a job training program on a full-time basis during the period.

(2) The first certification submitted to the Secretary by an employer under paragraph (1)(A) and by a veteran under paragraph (1)(B) shall include—

(A) the date on which the veteran commenced participation in the job training program; and

(B) the rate of the starting hourly wage of the veteran under the program.

(f) PAYMENT OF ASSISTANCE TO ACCOMMODATE DISABLED VETERANS.—(1) The Secretary shall pay accommodation assistance to employers who provide job training to disabled veterans under this Act to permit such employers to make modifications of the facilities or equipment of such employers on behalf of such veterans to facilitate the training and employment of such veterans.

(2) To be eligible for the payment of accommodation assistance for modifications of facilities or equipment made on behalf of a disabled veteran under this subsection, an employer shall submit to the Secretary—

(A) prior to the commencement of such modifications, a detailed proposal relating to such modifications, including the estimated cost of such modifications; and

(B) upon the completion of such modifications, any documentation that the Secretary may require that indicates (i) that the employer has completed such modifications, and (ii) the final cost of such modifications.

(3)(A) The Secretary shall—

(i) approve each proposal for modifications submitted to the Secretary under paragraph (2)(A);

(ii) approve the cost of each modification indicated in the documentation submitted to the Secretary under paragraph (2)(B); and

(B) The Secretary shall approve the cost of a modification of facilities or equipment under paragraph (A)(ii) only if the Secretary determines that the cost of the modification is reasonable.

(4) The Secretary shall pay as accommodation assistance under this subsection the cost of any modification approved by the Secretary under paragraph (3)(A)(ii). The total amount of accommodation assistance payable to an employer for modifications made by the employer on behalf of a disabled veteran under this subsection may not exceed $3,000.

(5) Each employer paid accommodation assistance under this subsection shall permit the Secretary reasonable access to the facilities and equipment of the employer to enable the Secretary to ensure that the employer has made the modifications of such facilities and equipment in accordance with the proposals and documentation submitted to the Secretary by the employer.

(6) For the purposes of this subsection, modifications of facilities or equipment on behalf of a disabled veteran shall include any improvement, alteration, or purchase of facilities or equipment that is necessary to make the facilities or equipment readily accessible to, and usable by, a disabled veteran.

(g) OVERPAYMENT.—(1) A payment of training assistance (other than accommodation assistance under subsection (f)) to an employer on behalf of a veteran for a quarterly or monthly period, as the case may be, shall be an overpayment of assistance for that period if the Secretary determines that—

(A) during that period, the employer—

(i) has failed to comply in material respect with the requirements of this Act; and

(ii) is responsible for such failure;

(B) the payment is based upon the willful submittal by the employer to the Secretary in a certification under subsection (d)(1)(A) of material information that the employer knows to be false;

(C) the payment is based upon the willful or negligent submittal by the veteran to the employer of any material information that is false;

(D) the payment is based upon the willful or negligent submittal by the veteran to the Secretary in an application for a certificate of eligibility for participation in the program under section 5(b) of any material information that is false; or

(E) the payment is based upon the willful or negligent submittal by the veteran to the Secretary in a certification under subsection (d)(1)(B) of any material information that is false.

(2)(A) An employer shall be liable to the United States for an overpayment referred to in subparagraph (A) or (B) of paragraph (1).

(B) A veteran shall be liable to the United States for an overpayment referred to in subparagraph (C), (D), or (E) of that paragraph.

(h) RECOVERY OF OVERPAYMENT.—(1) Except as provided in paragraph (2), the Secretary may recover an overpayment under this section by any method that is provided by law for the recovery of amounts owing to the Federal Government. Any overpayment recovered shall be credited to the account relating to the funds available to carry out this Act. If there is no such account, any overpayment recovered shall be covered into the Treasury.

(2)(A) The Secretary may waive the recovery of an overpayment under this section, in whole or in part, in accordance with the authority given to the Secretary of Veterans Affairs under section 38, United States Code.

(B) The Secretary shall establish in the Department of Labor appropriate administrative procedures for the review of a denial of an application for waiver of recovery under subparagraph (A).

SEC. 9. TRAINING BENEFITS FOR VETERANS.

(a) IN GENERAL.—The Secretary shall pay training benefits to veterans who participate in job training programs under this Act. The purpose of such training benefits is to assist such veterans in defraying the cost of work-related expenses. The total amount of training benefits payable to a veteran by the Secretary under this section may not exceed $1,500.

(b) APPROVAL OF SECRETARY.—A veteran shall be entitled to the payment of a training benefit for work-related expenses incurred by the veteran if—

(1) the veteran submits to the Secretary an application for payment (in such form and including such documentation as the Secretary may require) stating the amount of any such expenses incurred by the veteran as a result of the veteran's participation in a job training program under this Act; and

(2) the Secretary approves the payment of a training benefit with respect to such expenses.

(c) ADMINISTRATION OF PAYMENT.—The Secretary shall prescribe the manner of the payment of training benefits under this section, including the period and frequency of the payment of benefits to veterans and the means of ensuring the prompt payment of benefits to veterans by the Secretary.

(d) OVERPAYMENT.—(1) A veteran shall not be entitled to the payment of a training benefit under this section if the veteran terminates participation in a job training program prior to the scheduled date of the completion of the program by the veteran.

(2) In the event that the Secretary determines that a veteran has been paid a training benefit to which the veteran was not entitled, the amount of the benefit paid to the veteran to which the veteran was not so entitled shall constitute an overpayment of the benefit and a liability of the veteran to the United States.

(e) RECOVERY OF OVERPAYMENT.—(1) Subject to paragraph (2), the United States may recover an overpayment of a training benefit from a veteran by any method that is provided by law for the recovery of amounts owing to the Federal Government.

(2)(A) The Secretary may waive the recovery of an overpayment of a training benefit, in whole or in part, in accordance with the authority given to the Secretary of Veterans Affairs under section 5302 of title 38, United States Code.

(B) The Secretary shall establish in the Department of Labor appropriate administrative procedures for the review of a denial of an application for waiver of recovery under subparagraph (A).

(f) DEFINITION.—For the purposes of this section, the term "work-related expenses", in the case of a veteran who participates in a job training program under this Act, means any expenses incurred by the veteran by reason of such participation, including expenses for the purchase of work clothes and tools, car or bus fare, and the provision of child care.

SEC. 10. PROHIBITION ON COMMENCEMENT OF JOB TRAINING PROGRAMS UNDER CERTAIN CIRCUMSTANCES.

(a) IN GENERAL.—An employer may not provide a veteran with job training under a job training program if the Secretary determines that, on the date on which the employer intends to commence providing such training, there are insufficient funds available under this Act to carry out the program.

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(b) COMMENCEMENT OF PROGRAM.—Each employer shall—

(1) notify the Secretary of the employer's intention to commence furnishing job training to a veteran under a job training program not less than 14 days before such commencement; and

(2) commence the program in accordance with that notification unless the Secretary advises the employer within the 14-day period referred to in paragraph (1) that there are insufficient funds available under this Act to carry out the program.

(c) ADDITIONAL REQUIREMENT RELATING TO COMMENCEMENT OF PROGRAM.—An employer who provides a veteran with job training in a job training program under this Act shall provide the veteran with a copy of the application for approval of the program submitted by the employer to the Secretary under section 7(b).

SEC. 11. INVESTIGATION AND MONITORING OF PROGRAMS BY THE SECRETARY OF LABOR.

(a) IN GENERAL.—(1) The Secretary shall ensure that the job training programs carried out under this Act (including the activities of veterans and employers under such programs) are carried out in accordance with the provisions of this Act. In ensuring such compliance, the Secretary may investigate any matter relating to a job training program (including any application of a veteran for a certificate of eligibility under section 5(c), any employer application for approval of a program under section 7(b), and any program records under subsection (b) of this section).

(2) In conducting an investigation under paragraph (1), the Secretary may enter onto the premises at which an employer furnishes job training under a job training program and question employees of the employer (including any veterans who are provided with job training under the program) with respect to the program.

(b) PROGRAM RECORDS.—(1) Each employer that provides job training in a job training program under this Act shall maintain such records of the provision of such training as are necessary for the Secretary to monitor the provision of such training. The Secretary shall prescribe the form and content of such records.

(2) The Secretary shall have reasonable access to the records maintained by employers under paragraph (1) for the purpose of monitoring the provision of job training by such employers.

SEC. 12. COORDINATION WITH OTHER JOB TRAINING ASSISTANCE PROGRAMS.

(a) PROHIBITION ON RECEIPT OF CREDIT OR ASSISTANCE FOR VETERANS PARTICIPATING IN CERTAIN OTHER PROGRAMS.—(1) An employer may not be paid training assistance on behalf of a veteran under section 8 during the period referred to in paragraph (3) if, during that period, the employer is allowed a tax credit or is paid an allowance for that veteran under any of the following provisions of law:

(A) Chapter 30, 31, 32, 35, or 36 of title 38, United States Code.

(B) Chapter 106 of title 10, United States Code.

(C) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(D) Section 44B of the Internal Revenue Code of 1986 (relating to tax credits for employment of certain new employees).

(2) A veteran may not be paid training benefits under section 9 during the period referred to in paragraph (3) if, during that period, the veteran is paid or receives a benefit or allowance under any of the provisions of law referred to in subparagraphs (A) through (D) of paragraph (1).

(3) The period referred to in this paragraph is the period beginning on the date on which an employer begins to provide job training to a veteran under a job training program under this Act and ending on the date on which the employer ceases to provide such training to the veteran under the program.

(b) PROHIBITION ON RECEIPT OF CREDIT OR ASSISTANCE FOR VETERANS WHO COMPLETE CERTAIN PROGRAMS.—An employer may not be paid training assistance under section 8 on behalf of a veteran, and a veteran may not be paid benefits under section 9, for participation of the veteran in a job training program under this Act if the veteran has completed a program of job training under this Act or under the Veterans' Job Training Act (29 U.S.C. 1721 note).

SEC. 13. COUNSELING AND CASE-MANAGEMENT SERVICES.

(a) AUTHORITY TO PROVIDE COUNSELING SERVICES.—(1)(A) The Secretary and the Secretary of Veterans Affairs may provide the employment counseling services and employment guidance services referred to in subparagraph (B) to veterans who are issued certificates of eligibility for participation in a job training program under section 5(d).

(B) The counseling services and guidance services authorized under this paragraph are services relating to the development of any job-readiness skills and services relating to any other assistance that a veteran may require (as determined by

the Secretary and the Secretary of Veterans Affairs) to enable the veteran to participate in a job training program under this Act, including assistance relating to the resolution of difficulties encountered by the veteran in finding, applying for, and participating in a job training program that is suitable to the veteran.

(2) In the event that the Secretary and the Secretary of Veterans Affairs exercise the authority to provide counseling services to veterans under this subsection, the Secretary and the Secretary of Veterans Affairs shall—

(A) upon the issuance to a veteran of a certificate of eligibility for participation in a job training program under section 5(d), advise veterans of the availability of such counseling services;

(B) urge such veterans to request such services; and

(C) provide such services to veterans upon the request of such veterans.

(3) To the extent practicable, the Secretary and the Secretary of Veterans Affairs shall coordinate the provision of counseling services and guidance services under this subsection, if any, with counseling services provided under sections 1712A, 3697A, 4103A, 4104, 7723, and 7724 of title 38, United States Code, and section 1144 of title 10, United States Code.

(b) CASE MANAGEMENT SERVICES.—(1) The Secretary shall establish a program of case management services under which the Secretary shall provide the services described in paragraph (2) to the veterans referred to in paragraph (3) and (4).

(2) The Secretary shall provide case management services under this subsection as follows:

(A) By assigning to each veteran eligible for such services under this subsection a case manager who is a disabled veterans' outreach program specialist appointed pursuant to section 4103A of title 38, United States Code.

(B) By ensuring that the veteran has a personal interview with the outreach specialist not later than 60 days after the date on which the veteran commences participation in a job training program under this Act.

(C) By ensuring that the veteran meets personally with the outreach specialist on a monthly basis for the purpose of—

(i) preventing the unnecessary voluntary or involuntary termination of the veteran from the program;

(ii) referring the veteran to appropriate counseling, if necessary;

(iii) following the veteran's progress in the program;

(iv) facilitating the veteran's successful completion of the program; and

(v) assessing the veteran's participation in and, as applicable, completion of the program.

(3)(A) Except as provided in subparagraph (B), the Secretary shall provide case management services under this subsection to any veteran who—

(i) is issued a certificate of eligibility for participation in a job training program under this Act; and

(ii) notifies the Secretary that the veteran has identified an employer with which the veteran will participate in such a program.

(B) The Secretary is not required to provide a veteran with case management services referred to in paragraph (2)(C) if—

(i) on the basis of a personal interview between the veteran and an outreach specialist under paragraph (2)(B), the outreach specialist recommends that the veteran does not need such services and the Secretary ratifies that recommendation; or

(ii) the Secretary of Labor determines that—

(I) the employer of the veteran under the program has an appropriate and effective employee assistance program that is available to the veteran; or

(II) the rate of successful completion of the program by veterans on the date the veteran intends to commence participation in the program (either during the course of the entire program or during the calendar year preceding that date) is more than 60 percent.

(4) Notwithstanding paragraph (3), the Secretary of Labor, after consultation with the Secretary of Veterans Affairs, shall provide case management services under this section to each veteran—

(A) whose participation in a job training program is terminated (either voluntarily or involuntarily); and

(B) who applies to the Secretary of Labor for a certificate of eligibility for participation in another such program under section 5(c).

(c) COUNSELING INFORMATION.—(1) The Secretary and the Secretary of Veterans Affairs shall carry out a program to provide to veterans who participate in job

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training programs under this Act information relating to the availability and scope of the following:

(A) The counseling services and guidance services, if any, provided under subsection (a).

(B) The case management services, if any, provided under subsection (b).

(C) The supportive services and resources available to service-connected disabled veterans and veterans who are recently separated from military service under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1721 et seq.).

(D) Any additional counseling services, guidance services, and other support services and resources available to veterans through appropriate Federal, State, and local agencies.

(2) In order to facilitate the provision of services and information to veterans under paragraph (1), the Secretary and the Secretary of Veterans Affairs shall advise the veterans referred to in that paragraph of the availability, if any, of such services and information not later than the date upon which the Secretary of Labor issues a certificate of eligibility for participation in a job training program under section 5(d).

(d) PAYMENT FOR THE PROVISION OF COUNSELING AND OTHER SERVICES.—(1) Notwithstanding any other provision of law, the Secretary and the Secretary of Veterans Affairs may enter into contracts with appropriate entities or individuals for the provision by such entities or individuals of counseling services, guidance services, case management services, or other services under this section. Such contracts shall contain any terms or conditions that the Secretary and the Secretary of Veterans Affairs determine to be necessary to ensure the appropriate provision of such services and to protect the interests of the United States.

(2) The Secretary of Veterans Affairs may pay entities or individuals for the provision of services under paragraph (1) in accordance with the contracts entered into with such entities or individuals under that paragraph. Any such payments shall be made from the account relating to the funds available for readjustment benefits referred to in section 3104(a)(7)(B) of title 38, United States Code.

SEC. 14. INFORMATION AND OUTREACH SERVICES.

(a) INFORMATION AND OUTREACH SERVICES.—Subject to subsection (b), the Secretary and the Secretary of Veterans Affairs shall carry out a program of public information and outreach under which program the Secretary and the Secretary of shall—

(1) inform veterans of the job training programs (and other employment opportunities) provided for under—

(A) this Act;

(B) chapters 30, 31, 36, 41, and 42 of title 38, United States Code; and

(C) any other applicable provisions of law, as determined by the Secretary and the Secretary of Veterans Affairs;

(2) inform private businesses (including small businesses), appropriate public agencies and organizations, institutions of higher education, trade associations, and labor organizations of such training programs and employment opportunities; and

(3) promote the development of job training and employment opportunities for veterans by—

(A) encouraging employers to create job training programs under this Act;

(B) advising appropriate Federal departments and agencies of the authority provided for under this Act for the establishment of job training programs; and

(C) advising employers of the responsibilities of employers of veterans under chapters 41 and 42 of title 38, United States Code.

(b) COORDINATION OF PROGRAMS.—To the extent practicable, the Secretary and the Secretary of Veterans Affairs shall coordinate the provision of public information and outreach program under this section with the provision of job counseling, placement, development, and other services under chapters 31, 36, 41 and 42 of title 38, United States Code, and with the provision of similar services offered by other Federal, State and local agencies and organizations.

SEC. 15. ADDITIONAL ASSISTANCE AND RESOURCES.

(a) PERSONNEL.—(1) The Secretary of Veterans Affairs shall make available in regional and local offices of the Department of Veterans Affairs, and the Secretary shall make available in regional and local offices of the Department of Labor, such personnel as are necessary to carry out the provisions of this Act.

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(2) In carrying out the responsibilities of the Secretary under this Act, the Secretary or Labor shall, to the maximum extent practicable, make use of the services of Directors for Veterans' Employment and Training and Assistant Directors for Veterans' Employment and Training appointed under section 4103 of title 38, United States Code, disabled veterans' outreach program specialists appointed pursuant to section 4103A of that title, and local veterans' employment representatives appointed under section 4104 of that title.

(b) ASSISTANCE OF SMALL BUSINESS ADMINISTRATION.—(1) The Secretary of Labor shall obtain from the Administrator of the Small Business Administration a list of small businesses that are suitable businesses (as determined by the Administrator in consultation with the Secretary) to carry out job training programs under this Act.

(2) The Administrator of the Small Business Administration shall update the list referred to in paragraph (1) on a regular basis (as determined by the Secretary).

(c) USE OF RESOURCES AVAILABLE UNDER JOB TRAINING PARTNERSHIP ACT.—(1) To facilitate the carrying out of job training programs under this Act, the Secretary shall, to the extent practicable, use such resources as are available to assist service-connected disabled veterans and veterans who are recently separated from military service under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1721 et seq.).

(2) The Secretary shall assist veterans who are denied certificates of eligibility for participation in job training programs under section 5 in taking advantage of any opportunities available to such veterans under any programs carried out pursuant to title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.) or under any other similar programs that are carried out with funds made available to the Secretary.

SEC. 16. PILOT PROGRAM OF EMPLOYMENT SERVICES FOR HOMELESS VETERANS.

(a) IN GENERAL.—(1) In each of fiscal years 1993 through 1997, the Secretary shall award grants to the entities referred to in paragraph (2) with which such entities shall provide employment assistance (including counseling and other assistance) to homeless veterans. The Secretary shall prescribe procedures for the award of such grants.

(2) An entity entitled to a grant under this subsection is any nonprofit entity determined by the Secretary (under regulations prescribed by the Secretary) to have special expertise or experience in the provision of employment assistance to homeless individuals or in other employment matters relating to such individuals.

(b) FUNDING LIMITATION.—In carrying out this section, the Secretary may use not more than $5,000,000 of the funds obligated or otherwise made available to the Department of Labor in each of fiscal years 1993 through 1997 pursuant to the authorization of appropriations referred to in section 21.

SEC. 17. PROGRAM ASSESSMENT.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Veterans Affairs, shall evaluate on an annual basis the status of the programs authorized and carried out under this Act to ensure that such programs satisfy the purposes of this Act.

(b) QUARTERLY ASSESSMENT.—The Secretary shall collect on a quarterly basis from appropriate officials of State employment services or offices and the Directors of Veterans' Employment and Training of each State in which job training programs are carried out under this Act the following information:

(1) The number of veterans in the State who were certified for participation in such programs under section 5(d) during the previous calendar quarter.

(2) The number of such veterans who participated in such programs during that period.

(3) The number of such veterans who completed participation in such programs during that period.

(4) The number of veterans who terminated (either voluntarily or involuntarily) participation in such programs, and the reasons for each such termination.

(5) Such other information as the Secretary, in consultation with the Secretary of Veterans Affairs, determines to be appropriate for the purposes of ensuring the effective administration of the programs.

SEC. 18. REPORTS.

(a) PRELIMINARY REPORT.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the committees referred to in paragraph (2) a report on—

(A) the actions taken by the Secretary and the Secretary of Labor to implement this Act; and

(B) the estimated administrative costs of carrying out this Act.

(2) The Secretary of Labor shall submit the report under paragraph (1) to the following:

(A) The Committee on Veterans' Affairs of the Senate.

(B) The Committee on Labor and Human Resources of the Senate.

(C) The Committee on Veterans' Affairs of the House of Representatives.

(D) The Committee on Education and Labor of the House of Representatives.

(b) ANNUAL REPORTS.—Not later than March 31, 1994, and on an annual basis thereafter, the Secretary of Labor shall submit to the committees referred to in subsection (a)(2) a report containing the following:

(1) The general assessment of the Secretary of Labor under section 17(a) of the programs carried out under this Act during the calendar year preceding the report.

(2) The quarterly assessments carried out by the Secretary of Labor under section 17(b) for each of the four calendar quarters preceding the date of the report.

(3) A statement by the Secretary relating to—

(A) amounts paid by the Secretary to employers and veterans under this Act during such calendar quarters;

(B) any obligation of funds in connection with the implementation of this Act that is projected by the Secretary for the calendar year following the report;

(C) a general assessment by the Secretary of the adequacy and timeliness of payments made by the Secretary under this Act; and

(D) such other information as the Secretary considers appropriate relating to the process of making payments to employers and veterans under this Act.

(4) Any additional assessments, matters, or recommendations that the Secretary of Labor or the Secretary consider appropriate.

SEC. 19. TERMINATION OF PROGRAM.

An employer may not be paid training assistance on behalf of a veteran under section 8 and a veteran may not be paid training benefits under section 9 with respect to any training provided to the veteran in a job training program under this Act if the training is provided after September 30, 1997.

SEC. 20. CONFORMING AMENDMENTS TO TITLE 38.

(a) UNDER CHAPTER 31.—Section 3104(a)(7)(A) of title 38, United States Code, is amended by striking out "section 14(a)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note)" and inserting in lieu thereof "section 13(e) of the Veterans' Employment and Training Act of 1992".

(b) UNDER CHAPTER 41.—Chapter 41 of such title is amended—

(1) in section 4102A(b)(3)(B), by striking out "the Veterans' Job Training Act (29 U.S.C. 1721 note);" and inserting in lieu thereof "the Veterans' Employment and Training Act of 1992;";

(2) in section 4103(c)(1)(A), by striking out "the Veterans' Job Training Act (Public Law 98–77; 29 U.S.C. 1721 note);" and inserting in lieu thereof "the Veterans' Employment and Training Act of 1992;";

(3) in section 4103A(c)—

(A) in paragraph (6), by striking out "the Veterans' Job Training Act (Public Law 98–77; 29 U.S.C. 1721 note))" and inserting in lieu thereof "the Veterans' Employment and Training Act of 1992)"; and

(B) in paragraph (10), by striking out "section 14(b)(1)(A) of the Veterans' Job Training Act (Public Law 98–77; 29 U.S.C. 1721 note)." and inserting in lieu thereof "section 13(b) of the Veterans' Employment and Training Act of 1992.";

(4) in section 4104(b)(12)—

(A) by striking out "section 5(b)(3) of the Veterans' Job Training Act (29 U.S.C. 1721 note)," and inserting in lieu thereof "section 5(d) of the Veterans' Employment and Training Act of 1992,"; and

(B) by inserting "in job training programs" after "for participation";

(5) in section 4104A(a)(2)(C), by striking out "section 14(b)(1)(A) of the Veterans' Job Training Act (29 U.S.C. 1721 note)," and inserting in lieu thereof "section 13(b) of the Veterans' Employment and Training Act of 1992,";

(6) in section 4105(b), by striking out "the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" and inserting in lieu thereof "the Veterans' Employment and Training Act of 1992"; and

(7) in section 4108(b), by striking out "the Secretary of Veterans Affairs under section 7 of the Veterans' Job Training Act (29 U.S.C. 1721 note)." and inserting in lieu thereof "the Secretary of Labor under section 7(c) of the Veterans' Employment and Training Act of 1992.".

SEC. 21. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Department of Labor for the purpose of carrying out the provisions of this Act the following:

(A) $75,000,000 in fiscal year 1993.
(B) $100,000,000 in fiscal year 1994.
(C) $125,000,000 in fiscal year 1995.
(D) $125,000,000 in fiscal year 1996.
(E) $100,000,000 in fiscal year 1997.

(2) Amounts appropriated pursuant to this section shall remain available until September 30, 1997, without fiscal year limitation.

(b) LIMITATION ON OBLIGATION FOR ADMINISTRATIVE COSTS.—(1) Not more than 10 percent of the amount appropriated or otherwise made available to the Department of Labor in a fiscal year pursuant to the authorization of appropriations for that fiscal year under subsection (a) may be obligated for administrative activities under this Act.

(2) Not more than an amount equal to 50 percent of the amount available under this subsection for administrative activities may be obligated for administrative activities of the Department of Labor.

(3) The Secretary may use funds authorized by paragraph (1) to be obligated for administrative activities under this Act to provide, by grant or contract, for the conduct of such activities by entities outside of the Department of Labor.

Amend the title so as to read:

To authorize the establishment of job training programs for certain unemployed veterans, to pay certain assistance and benefits to employers of such veterans and to such veterans to defray certain costs relating to the provision of such training, and for other purposes.

INTRODUCTION

On April 2, 1992, Committee member Dennis DeConcini introduced S. 2515, the proposed "Veterans' Employment and Training Act of 1992," with the cosponsorship of Committee Members Bob Graham, Daniel K. Akaka, and Thomas A. Daschle. Joining later as cosponsors were Committee Member George J. Mitchell, Senators Wendell H. Ford, Quentin N. Burdick, and Daniel K. Inouye. As introduced, S. 2515 would have (1) established a job training program for veterans unemployed for substantial periods and veterans recently separated from the Armed Forces, and (2) paid certain assistance and benefits to such veterans and to employers of such veterans to defray certain costs relating to the provision of such training.

On May 13, 1992, the Committee held a hearing, chaired by Senator DeConcini, to receive testimony on legislation relating to veterans' education and employment, including S. 2515. Testimony on S. 2515 was received from Department of Veterans Affairs Chief Benefits Director D'Wayne Gray; Acting Assistant Secretary of Labor for Veterans' Employment and Training David S. Ritterpusch; South Carolina Employment Security Commission Executive Director Robert E. David; New York State Department of Labor Commissioner of Labor John F. Hudacs; and representatives of The American Legion, AMVETS, the Disabled American Veterans, the

Paralyzed Veterans of America, and the Veterans of Foreign Wars. Testimony was also submitted for the record of the hearing by Sandy James, a vocational rehabilitation specialist at the VA Medical Center in Prescott, Arizona, the Association of the United States Army, the Enlisted Association of the National Guard of the United States, the National Association of State Approving Agencies, the National Association of Veterans Program Administrators, the National Guard Association of the United States, the Non Commissioned Officers Association, and the Reserve Officers Association.

COMMITTEE MEETING

After carefully reviewing the testimony from the foregoing hearing, the Committee met in open session on June 24, 1992, and voted by unanimous voice vote to report S. 2515 with an amendment in the nature of a substitute derived from the bill as introduced and revisions proposed by Senator DeConcini.

SUMMARY OF S. 2515 AS REPORTED

S. 2515 as reported (hereinafter referred to as the "Committee bill") contains free-standing provisions that would:

1. State that the purpose of the bill is to address the problem of severe and continuing unemployment among veterans by providing incentives to employers to hire and train veterans in stable and permanent positions of employment. (Section 2.)

2. Provide that the Secretary of Labor would assist eligible veterans in obtaining employment through the provision of assistance in the form of (a) payments to employers to assist them in defraying the costs of training eligible veterans, and (b) training benefits and appropriate counseling for veterans. (Section 4.)

3. Provide that (a) to be eligible a veteran must be unemployed when applying and must either have been unemployed for 10 of the previous 15 weeks or been discharged not more than 10 weeks prior to the commencement of the veteran's training program, (b) periods of part-time or temporary employment (as defined by the Secretary of Labor) would not be considered for purposes of eligibility, (c) the Department of Labor would certify veterans for program participation, (d) veterans denied certificates of eligibility could appeal pursuant to hearing procedures prescribed by the Secretary of Labor, (e) the Secretary could withhold issuance of a certificate of eligibility when that is necessary in order to limit the number of participants in job training programs due to a lack of funds, and (f) veterans must begin participation in a job training program within 90 days of the date the certificate is issued or renewed. (Section 5.)

4. Provide that (a) DoL would approve an employer's job training program if the training is in a field providing a reasonable probability of stable, long-term employment, (b) a training program must be for a period of not less than six months nor more than two years, (c) on-job or apprenticeship program approved for training under the Montgomery GI Bill would generally be accepted under this program, and (d) that the employer must agree that, unless intervening circumstances have made it economically impractical,

the employer will retain the veteran in the position for which the veteran was trained. (Section 6.)

5. Provide for DoL to approve job training programs established by employers in accordance with the requirements of section 7. (Section 7.)

6. Provide that (a) job training programs may include certain apprenticeships or other on-job training programs, and (b) DoL may discontinue approval of a training program if the rate of successful completion is unacceptably low. (Section 7.)

7. Provide that DoL would (a) make payments to employers of training assistance equal to 50 percent of the starting hourly wage of the veteran times the number of hours worked, except that the total payment may not exceed $7,500 per annum, (b) make payments to employers of up to $3,000 for the modification of facilities or equipment on behalf of a disabled veteran hired and trained under this legislation, (c) recover overpayments, (d) waive the recovery of overpayments in certain circumstances, and (e) establish appropriate administrative procedures for the review of a denial of an application for waiver of recovery. (Section 8.)

8. Require DoL to (a) pay veterans participating in an approved job training program up to $1,500 to defray approved work-related expenses such as the purchase of work clothes and tools, car or bus fare, and the acquisition of child care, (b) recover overpayments, (c) waive the recovery of overpayments in certain circumstances, and (d) establish appropriate administrative procedures for the review of a denial of an application for waiver of recovery. (Section 9.)

9. Require (a) an employer to notify DoL of its intention to hire a veteran not less than 14 days before the commencement of training, and (b) DoL to notify the employer within this time if there are insufficient funds available. (Section 10.)

10. (a) Make DoL responsible for ensuring that the job training programs under this measure comply with the legislation, (b) authorize DoL, in carrying out that responsibility, to investigate any matter relating to the job training program, and (c) give DoL reasonable access to records kept by the employer regarding the program of training. (Section 11.)

11. Prohibit (a) an employer from receiving training assistance on behalf of a veteran under this measure during the training period if, during that period, the employer is allowed a tax credit or is paid an allowance under other listed Federal education and training programs, (b) veterans from receiving training benefits if they are paid or receive a benefit or allowance under those same listed Federal programs, and (c) an employer from receiving training assistance and a veteran from receiving training benefits if the veteran had completed a program of job training under this measure or the Veterans' Job Training Act. (Section 12.)

12. (a) Provide for (1) DoL and VA to furnish employment counseling and guidance services relating to the development of any job-readiness skills and other assistance a veteran may require to participate in a program of job training under this legislation, and (2) DoL to establish a program of case-management services for veterans who need such services; (b) specify that, under the case-management program, a veteran must receive a personal interview within 60 days of beginning the training program and monthly

thereafter unless, in certain cases, DoL finds that case-management services are not necessary; and (c) provide that DoL and VA may enter into contracts for counseling, guidance, or case-management services and that VA may pay for these contracted services from funds available for readjustment benefits. (Section 13.)

13. Require DoL and VA to establish a public information and outreach program to inform veterans of the job training programs provided under this and other Federal training programs, and to inform private businesses, appropriate public agencies, and others of such training programs. (Section 14.)

14. Require the Secretary of Labor and the Secretary of Veterans Affairs to make available in regional and local offices such personnel as are needed to carry out the provisions of this legislation, and the Secretary of Labor, to the maximum extent possible, to make use of other available resources including the services of disabled veterans' outreach program specialists and local veterans' employment representatives, the Small Business Administration, and resources available to assist veterans under the Job Training Partnership Act. (Section 15.)

15. Require DoL, during FYs 1993 through 1997, using not more than $5,000,000 per year of funds appropriated under this measure, to conduct a pilot program under which DoL would award grants to provide employment services, including counseling and other assistance, to homeless veterans. (Section 16.)

16. Require DoL to collect information on the job training programs on a quarterly basis and, in consultation with VA, annually evaluate the status of the programs authorized and carried out under this measure to ensure that they satisfy the purposes of the legislation. (Section 17.)

17. Require DoL to submit to specified Congressional Committees (a) not later than 90 days after the effective date of this program, a report on the actions taken to implement this measure and the estimated administrative costs for carrying it out, and (b) annual reports assessing the programs under this measure. (Section 18.)

18. Specify that payments could not be made with respect to training provided after September 30, 1997. (Section 19.)

19. (a) Authorize to be appropriated to DoL to carry out this measure: $75,000,000 in FY 1993; $100,000,000 in FY 1994; $125,000,000 in FY 1995 and FY 1996; and $100,000,000 in FY 1997; (b) provide that these amounts would remain available until September 30, 1997, without fiscal year limitation; and (c) specify that not more than 10 percent of the amount appropriated or otherwise made available to DoL may be obligated for administrative activities, with not more than 5 percent of the appropriated funds to be retained by DoL. (Section 21.)

Discussion

Background

The Committee bill is a revised and expanded version of the Emergency Veterans' Job Training Act of 1983, later known as the Veterans' Job Training Act (VJTA), enacted in Public Law 98–77 on August 15, 1983, and significantly revised by section 11 of Public Law 100–323, enacted on May 20, 1988. Congress originally intend-

ed VJTA to be a one-year emergency program to assist veterans of the Korean conflict and Vietnam era who were chronically unemployed, and subsequently extended the program over the next eight years before allowing it to expire on June 30, 1991.

VJTA was enacted amid the recession experienced in the early 1980s and at a time when the unemployment level among veterans reached nine percent. Currently, nearly 917,000 veterans are unemployed and an additional 400,000 servicemembers are expected to be separated from the Armed Forces due to the downsizing of our military establishment and another 300,000 per year through attrition over the next five years. The Committee is concerned that many of the soon-to-be-separated servicemembers entered the Armed Forces in hopes of long, satisfying careers and that those careers will come to a premature end. The Committee bill, as with VJTA, would provide incentives to employers to hire and train veterans in fields leading to stable, long-term employment.

The Committee bill closely follows the structure of VJTA with many revisions and substantive changes in order to update and improve the old program.

PURPOSE

Section 2 of the Committee bill would state that the purpose is to address the problem of severe and continuing unemployment among veterans (including veterans who have recently separated from the Armed Forces as a result of the current military downsizing) by providing incentives to employers to hire and train veterans in stable and permanent positions of employment.

The purpose of the Committee bill is similar to the purpose of VJTA, though the latter specifically sought to address the problem of unemployment among veterans of the Korean conflict and Vietnam era. The Committee bill would provide job training programs to veterans of all eras who are unemployed for 10 to 15 weeks or veterans who have been separated from the military for not more than 10 weeks. Also, the Committee bill would, in addition to authorizing payments to employers to hire and train veterans as did VJTA, provide payments to employers for worksite modifications to facilitate the hiring of disabled veterans and provide payments to eligible veterans for the purchase of clothing, equipment, and other work-related expenses incurred as a result of the training program.

AUTHORITY TO CARRY OUT PROGRAMS

Section 4 of the Committee bill would provide for the Secretary of Labor, through the Assistant Secretary of Labor for Veterans' Employment and Training, to assist eligible veterans in obtaining employment by providing (a) payments to qualified employers to assist them in defraying the costs of training eligible veterans, and (b) training benefits and appropriate counseling to veterans.

Section 4(a) of VJTA provided for the Department of Veterans Affairs (VA) and, to the extent specified in VJTA, the Department of Labor (DoL) to assist eligible veterans in obtaining employment through training in stable and permanent positions that involve significant training. The program was carried out through pay-

ments to employers who employ and train eligible veterans in jobs in order to assist such employers in defraying the costs of training.

Modeled after VJTA, section 4 of S. 2515 as introduced would have granted the administration of this program to both VA and DoL. However, at the Committee's May 13, 1992, hearing, VA was highly critical of splitting authority of this program between VA and DoL, stating, "[W]e cannot emphasize strongly enough the many administrative difficulties which would result if this bill were enacted." Citing its experience with VJTA, VA further explained, "This mandated coordination [between VA and DoL] invariably produced delays, errors, and administrative misunderstandings."

In a May 28, 1992, response to post-hearing questions, the Executive Director of the South Carolina Employment Security Commission, Robert E. David, stated, "The Department of Labor should have full responsibility for implementing the hands-on provisions of [S. 2515 as introduced] to include responsibility for dispersing payments to veterans and employers . . ."

Upon consideration of this and other testimony, the Committee modified S. 2515 as introduced to grant full administrative authority for this program to DoL, including the making disbursement of payments to employers and veterans. Timely and accurate administration of this program is essential to avoid some of the coordination difficulties that occurred under VJTA and to provide effective job training programs to veterans.

ELIGIBILITY OF VETERANS FOR PARTICIPATION IN JOB TRAINING PROGRAMS

Section 5 of the Committee bill would establish the following eligibility requirements for veterans to participate in a program of job training under this measure:

(a) The veteran must have been discharged or released from active duty under conditions other than dishonorable.

(b) The veteran must have either served on active duty for a period of more than 90 days or been discharged or released because of a service-connected disability.

(c) The veteran must be unemployed when applying for a job training program and must either have been unemployed for 10 of 15 weeks or have been discharged not more than 10 weeks prior to the commencement of the veterans' training program. A new paragraph (3) was added to section 5(b) of S. 2515 as introduced in order to clarify that periods of part-time or temporary employment (as defined by the Secretary of Labor) would not be considered for purposes of eligibility.

A veteran who desires to participate in a job training program would be required to submit to DoL an application for a certification of eligibility including verification of unemployment and such other information as the Secretary of Labor may prescribe. DoL would certify veterans for program participation and would permit veterans who are denied certificates of eligibility to appeal pursuant to hearing procedures prescribed by the Secretary. Once a certificate of eligibility is issued, the veteran would be required to

begin participation in a job training program within 90 days or to apply for a renewal of that application.

Section 5(d)(2) of the Committee bill would provide that DoL could withhold issuance of a certificate of eligibility if necessary to limit the number of participants in job training programs due to a lack of funds.

EMPLOYER JOB TRAINING PROGRAMS

Section 6 of the Committee bill would establish the requirements for employer job training programs.

DoL would approve an employer's job training program if the training is in a field providing a reasonable probability of stable, long-term employment. The training program must be for a period that is not longer than the period customarily required by similar employers in the community to provide similar training. However, the period of training could not be less than six months nor more than two years. During the training period, the employer must provide the veteran with compensation and other benefits similar to those provided to non-veteran employees during such training.

Section 6(c)(6) of S. 2515 as introduced required employers to retain a veteran in the position for which he or she was trained "if practicable". To strengthen and clarify the employer's obligation, the Committee bill would modify this condition to require the employers to retain the veteran "unless intervening circumstances have made it economically impractical for the employer to do so". The Secretary would determine the validity of an employer's claim that economic conditions prevented hiring a veteran for the position for which he or she was trained.

Section 6(d) of the Committee bill would also stipulate that an employer may not employ a veteran in a job training program if the training position consists of intermittent employment, includes religious activities, is in any department of Federal government, displaces other employees, or other conditions as outlined in that subsection.

Section 6(e) of the Committee bill would allow an employer to provide job training to veterans, in whole or in part, by permitting the veteran to enroll in an education program that meets the requirements of chapter 36 of title 38, which relates to the administration of VA programs of educational assistance.

APPROVAL OF EMPLOYER JOB TRAINING PROGRAMS

Section 7 of the Committee bill would provide that DoL would accomplish the approval of job training programs established by employers. The requirements for approval as set forth in section 7 would include the submission of an application by the employer stating the duration of the training program, the starting wages paid to the veteran, and a description of the training objective and content. An on-job or apprenticeship program approved for training under chapter 36 of title 38 would generally be accepted under this legislation. The Committee bill would provide for the Secretary of Labor to discontinue approval of a training program if the rate of successful completion by participating veterans is unacceptably low by reason of deficiencies in the program.

PAYMENTS OF TRAINING ASSISTANCE AND OTHER ASSISTANCE TO EMPLOYERS

Section 8 of the Committee bill would provide for DoL to make payments to employers in order to defray the costs of a veteran's training and any worksite modifications needed for a disabled veteran's participation in the training program.

Payments of training assistance to employers would be equal to 50 percent of the starting hourly wage of the veteran times the number of hours worked, except that the total payment would not exceed $7,500 per annum.

Section 8 of S. 2515 as introduced would have set at $5,000 per year the maximum allowable payment to an employer to defray costs of training a veteran. However, at the Committee's May 13 hearing, many witnesses testified that an increase in the maximum allowance would improve this program by attracting more employers to participate. While reimbursement of 50 percent of wages, subject to the $5,000-per-year cap on reimbursements, would not prevent employers from paying veterans more than $10,000 per year during training, under the bill as introduced employers would have been required to bear the full amount of additional costs above $10,000. This $5,000-per-year cap might have been a disincentive for participation by employers who would have paid veterans more than $10,000 per year during training, thus limiting the pool of training programs available to veterans to those with wage costs under $10,000 per year. In addition, it might have been a disincentive to employers who otherwise would have been willing to do so to pay veterans more than $10,000 per year during training.

A maximum allowance of $7,500 per year would cover 50 percent of wages up to $15,000 per year, a much more realistic figure. With the national poverty level for a family of four at nearly $14,000 per year, this level of reimbursement would attract more employer training programs providing wages above the poverty level. Thus, the Committee believes that a maximum allowance of $7,500 per year would provide a more effective incentive to employers to hire and train veterans.

Section 8(c) of the Committee bill would provide for DoL to make payments to the employer on a quarterly basis, but would authorize the making of payments to an employer on a monthly basis if the Secretary determines that the number of its employees is such that the payment of assistance on a quarterly basis would be burdensome to the employer.

Section 8(f) would direct DoL to pay employers up to $3,000 to defray the costs of modifying facilities or equipment to accommodate a disabled veteran hired and trained under this program. An employer applying for such accommodation assistance would be required to submit to the Secretary a detailed proposal including the estimated cost of the modifications and verification of their completion.

Subsections (g) and (h) of section 8 would establish administrative procedures to determine and recover overpayments to employers, waive the recovery of overpayments in certain circumstances, and review a denial of an application for waiver of recovery. The authority for the Secretary of Labor to establish appropriate adminis-

trative procedures for the review of a denial was added in the Committee bill as a modification to section 8 of S. 2515 as introduced.

TRAINING BENEFITS FOR VETERANS

Section 9 of the Committee bill would require DoL to pay a veteran participating in an approved job training program up to $1,500 to defray work-related expenses such as the purchase of work clothes and tools, car or bus fare, and the acquisition of child care.

The Committee considers this benefit, which was not provided in VJTA, to be an important mechanism to assist veterans with training costs that might otherwise prevent them from undertaking or continuing in training. At the Committee's May 13 hearing, the Disabled American Veterans testified, "All too often, we have seen in the past where the only thing obstructing the veteran from obtaining employment was the inability to obtain work-related equipment such as tools or the inability to obtain necessary transportation."

This section of the Committee bill also would establish procedures to recover overpayments, waive the recovery of overpayments, and review a denial of an application for waiver of recovery. As in the case of waivers under section 8 of the Committee bill, the provision for review of a denial was added to section 9 of S. 2515 as introduced.

PROHIBITION ON COMMENCEMENT OF JOB TRAINING PROGRAMS UNDER CERTAIN CIRCUMSTANCES

Section 10 of the Committee bill would require an employer to notify DoL of its intention to hire a veteran not less than 14 days before the commencement of training, and would require DoL to notify the employer within this time if there are insufficient funds available to carry out the program.

INVESTIGATION AND MONITORING OF PROGRAMS BY THE SECRETARY OF LABOR

Section 11 of the Committee bill would make DoL responsible for ensuring that the job training programs under this measure comply with the legislation and authorize DoL, in carrying out that responsibility, to investigate any matter relating to the job training program. Each employer participating in a job training program under the Committee bill would be required to maintain such records as are necessary for DoL to monitor the provision of a training program. Employers would also be required to give DoL reasonable access to the records.

COORDINATING WITH OTHER JOB TRAINING ASSISTANCE PROGRAMS

Section 12 of the Committee bill would preclude duplication of Federal benefits for the same period of training. Thus, this section would (a) prohibit employers from receiving training assistance under this measure with respect to a veteran during the veteran's training period if, during that period, the employer is allowed a tax credit or is paid an allowance under other Federal education and training programs listed in this provision, and (b) prohibit a veteran from receiving a training benefit if the veteran is paid or re-

ceives a benefit or allowance under those same listed Federal programs or had completed a program of job training under this measure or the Veterans' Job Training Act. These prohibitions would prevent the duplication of Federal payments to veterans and employers.

COUNSELING AND CASE-MANAGEMENT SERVICES

Section 13 of the Committee bill incorporates improvements enacted in 1988 in Public Law 100–323 that were designed to improve the administration of VJTA and facilitate the successful completion of job training programs by veterans through more effective counseling and consultative services. Section 13 specifies, first, that DoL and VA would be authorized to furnish employment counseling and guidance services relating to the development of job-readiness skills. DoL and VA would also be authorized to furnish other assistance which veterans might require to participate in a program of job training under the Committee bill, including assistance relating to the resolution of difficulties encountered by the veteran in finding, applying for, and participating in a job training program that is suitable to the veteran. DoL and VA would advise veterans who are eligible to participate in a program of job training of the availability of such counseling services.

Finally, section 13 would direct DoL to establish a program of case-management services for veterans who need such services, particularly veterans who withdraw (either voluntarily or involuntarily) from a job training program and apply to participate in another such program. Under the case-management program, a disabled veteran outreach program specialist would be required to personally interview the veteran within 60 days of beginning a training program and generally monthly thereafter unless, in certain cases, DoL finds that case-management services are not necessary.

Section 13 would authorize DoL and VA to enter into contracts for counseling, guidance, or case-management services under such terms and conditions as the Secretaries of Labor and Veterans Affairs might deem necessary to ensure the appropriate provision of services. VA would be authorized to pay for such contracted services from funds available for readjustment benefits referred to in section 3104(a)(7)(B) of title 38, United States Code.

INFORMATION AND OUTREACH SERVICES

Section 14 of the Committee bill would require DoL and VA to establish a public information and outreach program to inform veterans of the job training programs provided under this measure and other Federal training programs as provided for in chapters 30, 31, 36, 41, and 42 of title 38, United States Code. DoL and VA would be required to inform private businesses, appropriate public agencies, institutions of higher education, trade associations, and others of such training programs and to encourage employers to create job training programs.

DoL and VA would coordinate the provision of public information and outreach under this section with the job counseling, place-

ment, and other services under chapters 30, 31, 36, 41, and 42 of title 38.

ADDITIONAL ASSISTANCE AND RESOURCES

Section 15 of the Committee bill would require the Secretaries of Labor and Veterans Affairs to make available in DoL and VA regional and local offices such personnel as are needed to carry out the provisions of the Committee bill. Also, the Secretary of Labor would be required, to the maximum extent practicable, to make use of other available resources including local veterans' employment representatives, the Small Business Administration, and resources available to assist veterans under the Job Training Partnership Act (JTPA), section 1721 of title 29, United States Code. The Secretary of Labor would be required to assist veterans who are denied certificates of eligibility for participation in job training programs under the Committee bill in taking advantage of any opportunities available under the JTPA or other similar programs that are carried out with funds made available to the Secretary.

The Committee believes that the disabled veterans outreach program (DVOP) should be fully utilized in the outreach process under this legislation. The nearly 2,000 DVOP specialists, hired by State employment security agencies, seek out disabled and other eligible veterans in need of employment assistance and provide them with employment services including counseling, locating available positions, and job placement. Because DVOP specialists maintain close contact with local employers and placement services, they can provide valuable assistance in linking veterans with employers.

PILOT PROGRAM OF EMPLOYMENT SERVICES FOR HOMELESS VETERANS

Section 16 of the Committee bill would require that DoL, during FYS 1993 through 1997 and subject to a funding limitation of $5,000,000 per year, conduct a pilot program under which DoL would award grants to provide employment services, including counseling and other assistance, to homeless veterans.

An estimated one-third of all homeless single men are veterans, and 80 to 85 percent of homeless veterans are unemployed. The Committee believes that, in addition to services already in place to assist homeless veterans, a pilot program under this legislation to award grants to provide employment services and counseling to homeless veterans could contribute significantly to efforts to assist this large percentage of homeless veterans who are unemployed.

PROGRAM ASSESSMENT

Section 17 of the Committee bill would require DoL to collect information, on a quarterly basis, on job training programs established by the Committee bill and, in consultation with VA, annually evaluate the status of the programs. The Committee's intent in requiring these assessments is to establish a means for helping to ensure that the programs created by the legislation effectively satisfy the purposes of the legislation.

REPORTS

Section 18 of the Committee bill would require DoL to submit to specified Congressional Committees (a) not later than 90 days after the effective date of this program, a report on the actions taken to implement this measure and the estimated administrative costs for carrying it out, and (b) annual reports assessing the programs under this measure.

TERMINATION OF PROGRAM

Section 19 of the Committee bill would specify that payments could not be made to employers or veterans with respect to training provided after September 30, 1997. The Committee intends that the job training program established by this legislation shall be temporary, and the bill is specifically designed to address the immediate employment needs of current veterans and servicemembers who will exit the military in the near future due to downsizing.

AUTHORIZATION OF APPROPRIATIONS

Section 21 of the Committee bill would authorize to be appropriated to DoL to carry out this measure $75,000,000 in FY 1993, $100,000,000 in FY 1994, $125,000,000 in FY 1995 and FY 1996, and $100,000,000 in FY 1997; and would provide that these amounts would remain available until September 30, 1997, without fiscal year limitation.

In contrast to the well-defined authorization of the Committee bill outlined above, VJTA was erratically funded throughout the program's life. VJTA originally was meant as a short-term emergency program to address the employment needs of veterans of the Korean and Vietnam eras and funds were authorized to be appropriated for FYs 1983 through 1985. In 1984, $150 million was appropriated for the program and no additional funding was appropriated in 1985. The authorization for VJTA was extended five times between 1985 and 1991, placing the program's viability in doubt from one year to the next. The Committee found that the continual uncertainty of authorization and funding for VJTA plagued the program by discouraging employer involvement, particularly among employers who had longer, higher paying, and more stable training programs. The Committee bill would authorize appropriations for FYs 1993 through 1997 at which time the program would end, thus firmly establishing the time frame of the program and its funding.

Section 21 of the Committee bill would also specify that not more than 10 percent of the amount appropriated or otherwise made available to DoL could be obligated for administrative activities, and that not more than one-half of the amount appropriated or otherwise made available for administrative activities could be retained by DoL.

Section 21 of S. 2515 as introduced specified that not more than 5 percent of the amount appropriated to DoL and VA could be obligated for administrative activities. Due to the potential involvement of entities outside of the Department of Labor, for example, State employment security agencies (SESAs), in the administration

of this program, the Committee modified this section to increase the percentage allocated for administration to 10 percent and limit the amount that would be available to DoL. Not more than one-half of the appropriations made available for administration would go to DoL. The remaining one-half could go to entities outside of DoL in the event that DoL were to elect, by grant or contract, to provide for the performance of administrative activities under this legislation by entities outside of the Department of Labor, including, for example, SESAs.

Also, consistent with the modification of section 4 made by the Committee, granting to DoL, instead of VA, responsibility for the distribution of payments to employers and veterans, the Committee bill modifies section 21 of S. 2515 as introduced to delete the specification of VA as an agency to receive appropriations for administration of this program.

COST ESTIMATE

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee, based on information supplied by the Congressional Budget Office (CBO), estimates that the costs or savings resulting from the enactment of the Committee bill (as compared to the CBO baseline) during the first five years following enactment would be costs of $75 million in budget authority and $10 million in outlays in FY 1993; costs of $100 million in budget authority and $59 million in outlays in FY 1994; costs of $125 million in budget authority and $97 million in outlays in FY 1995; costs of $125 million in budget authority and $123 million in outlays in FY 1966; and costs of $100 million in budget authority and $236 million in outlays in FY 1997.

The cost estimate provided by CBO, setting forth a detailed breakdown of the costs follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 21, 1992.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate of S. 2515, Veterans' Employment and Training Act of 1992, as ordered reported by the Committee on Veterans' Affairs on June 24, 1992.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2515.
2. Bill title: Veterans' Employment and Training Act of 1992.
3. Bill status: As ordered reported by the Committee on Veterans' Affairs on June 24, 1992.
4. Bill purpose: To authorize the establishment of job training programs for certain veterans, to pay certain assistance and bene-

fits to employers of certain veterans and to certain veterans, to defray certain costs relating to the provision of such training, and for other purposes.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1993	1994	1995	1996	1997
Veterans' job training:					
Authorization level	75	100	125	125	100
Estimated outlays	10	59	97	123	236

Basis of estimate: This estimate assumes full appropriations at the beginning of each fiscal year.

S. 2515 would authorize the establishment of a Veterans' Job Training program. This program would assist certain veterans in finding jobs through participation in job training programs designed to lead to stable and permanent positions. The bill states specifically the criteria veterans and employers must meet to qualify for the program. The payments to employers would be to defray the cost of training and could not exceed $7,500 per eligible veteran. In addition, employers could receive up to $3,000 per person for approved accommodation modifications that they make to hire disabled veterans. Finally, S. 2515 would allow certain veterans to receive up to $1,500 to defray the cost of work-related expenses. Work-related expenses could include work clothes, tools, car or other transportation, and child care costs.

This bill specifically authorizes $75 million for fiscal year 1993, $100 million for fiscal year 1994, $125 million for fiscal year 1995, $125 million for fiscal year 1996, and $100 million for fiscal year 1997. The estimated outlays are based on outlay patterns of a similar program, the Veterans' Job Training Act (P.L. 98-77).

6. Pay-as-you-go considerations: None of the provisions of S. 2515 would affect direct spending or receipts. Therefore, this bill has no pay-as-you-go implications.

7. Estimated cost to State and local government: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Cory Oltman.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs has made an evaluation of the regulatory impact that would be incurred in carrying out the Committee bill. The results of that evaluation are described below.

A. Estimates of the numbers of individuals and businesses who would be regulated, and a determination of the groups and classes of such individuals and businesses: The Committee bill in section 7 provides for procedures for obtaining approval and disapproval of

programs to be offered by employers. It is the expectation of the Committee that regulation resulting from enactment of the bill will be of minimal impact. DoL may act primarily through program guidelines, rather than formal regulations, relying on existing regulations and administrative directives established for the purpose of administering other national veteran employment programs established under chapter 41 of title 38, United States Code, and title IV-C of the Job Training Partnership Act.

B. Determination of the economic impact of such regulations on individuals, consumers, and businesses affected: There would be no regulation of individuals or consumers.

Under section 7, employers would be required to certify that their training programs meet certain standards. It is expected that the costs of meeting such standards will be more than offset by the training payments to be made to the employer.

C. Determination of the impact on the personal privacy of the individuals affected: The enactment of the Committee bill would have no significant impact on the personal privacy of participating individuals beyond any loss of privacy ordinarily entailed in claiming veterans' benefits and participating in a benefit program that is subject to DoL monitoring to ensure compliance with program requirements.

D. Determination of the amount of additional paperwork that will result from regulations to be promulgated under the bill: Both the individual veteran participant and the employer will be required to submit an application for program participation. Applications by employers must be accompanied by certifications that certain criteria under the program will be met. In addition, both employers and veterans must submit certifications of participation before payments may be made by DoL.

The paperwork burden in promulgating these regulations should be no more than the burden involved in establishing thorough and adequate safeguards to protect the procedural rights of program participants.

Tabulation of Votes Cast in Committee

In compliance with paragraph 7 of rule XXVI of the Standing Rules of the Senate, the following is a tabulation of votes cast in person or by proxy by members on the Committee on Veterans' Affairs at a June 24, 1992, meeting. On that date, the Committee voted by a voice vote to report S. 2515 favorably to the Senate with an amendment in the nature of a substitute.

Agency Reports

On May 13, 1992, Department of Veterans Affairs Chief Benefits Director D'Wayne Gray submitted testimony on S. 2515 as introduced. That testimony is reprinted below in lieu of the Department's report on this bill. In addition, Acting Assistant Secretary of Labor for Veterans' Employment and Training David S. Ritterpusch testified at the Committee's May 13 hearing in connection with S. 2515 and these comments also are reprinted below:

STATEMENT OF D'WAYNE GRAY, CHIEF BENEFITS DIRECTOR, DEPARTMENT OF VETERANS AFFAIRS

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before this Committee to provide the views of the Department of Veterans Affairs (VA) on legislation pending before you: S. 2515, a bill establishing a job training program to assist recently separated and unemployed veterans

* * * * *

Mr. Chairman, with regard to S. 2515, the proposed "Veterans' Employment and Training Act of 1992," we appreciate and share your interest, and that of the entire Committee, in promoting and facilitating the employment of our Nation's veterans. We cannot, however, support this particular proposal since we do not believe it would fulfill its objectives.

This legislation derives from the Veterans' Job Training Act (VJTA) with significant modifications and distinctions. That Act, which expired on June 30, 1991, was not particularly effective in securing long-term employment for a eligible wartime veterans who had been unemployed for a substantial period, and we have no reason to believe that this modified reincarnation will produce better results.

S. 2515 would retain much of the VJTA's structure with notable distinctions, the most salient being that the Department of Labor (DOL) would have responsibility for the administration of almost all substantive programmatic areas, including determinations of participant eligibility and approval of programs. VA would be responsible for essentially ministerial functions; i.e., payment of training expenses to employers and certified veterans. Both VA and DOL, however, would be responsible for employment counseling and outreach efforts. In addition, this bill contains a new provision authorizing payment of a training allowance to certified veterans for work-related expense, including the purchase of work clothes and tools, care and bus fare, and the provision of child care. As well, it would provide for the payment of accommodation assistance to employers of disabled veterans to cover the cost of any modifications of facilities or equipment necessary to expedite the training and employment of such veterans.

S. 2515 would target a different group of beneficiaries for job training assistance than did the VJTA. Eligibility, for instance, would not be limited to Korean conflict and Vietnam era veterans, as previously was the case. Instead, S. 2515 would provide programs of job training for all veterans discharged or released from active duty under conditions other than dishonorable. The veteran must have served a period of more than 90 days in the active military, naval, or air service or, if having a lesser period of such service, must have been discharged or released from active duty because of a service-connected disability.

Additional eligibility criteria would require that the veteran, at the time of applying, be unemployed and have been unemployed for at least 10 of the 15 weeks immediately preceding his or her commencement of participation in the program or have been separated from active duty not more than 10 weeks before the commencement of such participation.

Mr. Chairman, any consideration given a possible reiteration of a VJTA-type program necessarily prompts scrutiny of that program's past performance. We have an analysis of the VJTA which is instructive and, as I previously indicated, shows that it produce less than impressive results.

Public Law 100-323 mandated that a study be undertaken evaluating the implementation of the VJTA. This study, which was completed by VA in 1989, ascertained that the average participation rate for the program was only 13.3 percent of those veterans who were certified as eligible to participate. Of those who did participate, 62 percent failed to complete their training programs. Moreover, more than 55 percent of the noncompleters dropped out prior to completing even 3 months of training. The two major reasons recorded for noncompletion were quitting and being let go by the employer.

It is particularly telling that, as of the end of Fiscal Year 1991, the Federal Government obligated a total of $205 million for VJTA training, yet only 5.1 percent of VJTA applicants actually completed a job training program. Final analysis showed that the majority of individuals participating in such training are not hired by the employers providing the training.

Mr. Chairman, other considerations, as well, have influenced our decision not to support this bill. S. 2515 provides that the DOL and VA will share responsibility to assist eligible veterans to obtain permanent employment requiring significant and meaningful training. While we fully agree on concept with this goal, we cannot emphasize strongly enough the many administrative difficulties which would result if this bill were enacted. While, under the VJTA, VA had approval and compliance authority to administering the program, extensive coordination between DOL and VA still was required. This mandated coordination invariably produced delays, errors, and administrative misunderstandings. Regrettably, it also enabled egregious abuses of the program that only belatedly were uncovered upon compliance survey. S. 2515 would require an even higher degree of coordination than under the VJTA to assure exchange of accurate, timely information since VA could be making payments to both employers and some employees without either approval or compliance authority.

It is also true that, in general, because a job training program typically places a single individual or, at most, a few trainees at each job site and such sites tend to be widely distributed, oversight of such a program is difficult

and labor intensive. More specifically, the work-related expense provision of S. 2515 which provides allowances for such items as clothing, tools, and child care intensifies the burden of oversight and provides additional possibilities of fraud, waste, and abuse.

The work-related training benefit presumably is aimed at reducing the dropout rate by providing the veteran an additional incentive to remain in the program and allaying some of the veteran's financial concerns while in training. This may work as a retention device, although the VJTA study did not indicate that the 62 percent failure rate was caused by a financial burden on the veteran. However, the sad fact is that of the 460,246 veterans certified to participate in the program only 61,227 did so because applicant potential simply did not match with employment offerings. The vast majority of unemployed veterans were not reached by the VJTA nor is there reason to expect they would be reached by the S. 2515 program.

Moreover, S. 2515 authorizes a job training program which in large measure duplicates activities currently required of VA and DOL under existing law (for example, chapter 41 of title 38).

We believe that the educational and on-job training assistance provided to veterans through the Montgomery GI Bill (MGIB) and to eligible veterans with service-connected disabilities under our chapter 31 vocational rehabilitation program, together with programs such as the Job Training Partnership Act and the broad range of outreach and transition assistance being provided by VA in conjunction with the Departments of Labor and Defense, are having a positive effect on helping veterans secure employment.

In sum, Mr. Chairman, based on our Department experience in administering the VJTA and our study findings, we cannot support a bill which authorizes an even more problematic program than its predecessor. We acknowledge the transition and unemployment difficulties faced by veterans being discharged during this period of downsizing by the military, and I assure you that we are committed to efforts to address those difficulties. Nevertheless, establishing a program which contains the same inherent difficultues as the prior VJTA, exacerbated by the bifurcation of key substantive responsibilities to the DOL and administrative payment responsibilities to VA, is not a viable solution.

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STATEMENT OF DAVID S. RITTERPUSCH, ACTING ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING

Mr. Chairman and Members of the Committee, I appreciate the opportunity to present the views of the Department of Labor regarding veterans' programs and policies

involving Chapters 41, 42, and 43 of title 38, United States Code, and some related proposed legislation.

* * * * *

I would like to take this opportunity to present the views of the Department of Labor regarding S. 2515 which would reauthorize, with modifications, the Veterans' Job Training Act (VJTA). Mr. Chairman, I share your desire and commitment to alleviate unemployment among our nation's veterans. However, while S. 2515 would provide payment to employers to hire and train veterans for permanent jobs as an incentive to create jobs, the program as constructed would not fulfill its objectives and would only replicate the unacceptable performance of the original VJTA. Testimony by the Department of Veterans Affairs will discuss the findings of the statutorily mandated study of VJTA which was completed in 1989.

S. 2515 would require a considerable resource commitment to a labor-intensive program of certifying program eligibility, case management and counseling while responding to the unemployment and training needs of very few veterans. It would require that immediate diversion of resources away from our review and administration of successful, existing programs in order to coordinate extensively with the VA and the states to administer this costly program, which would serve relatively few veterans and has had only a 5.1 percent success rate in the past. The information and reporting requirements alone of the proposed bill would cause considerable problems and expense—and delay implementation of the program.

While S. 2515 would attempt to address our concern for the new veterans who will be entering the civilian labor market, the growth of our nation's economy and the creation of new jobs as we emerge form the recession ultimately will provide much greater job opportunities for veterans. And, as I have testified before, we are moving aggressively to expand the Transition Assistance Program without reducing the wide array of employment services offered to veterans. We believe this early intervention program, along with employment services offered by Disabled Veterans' Outreach Program (DVOP) specialists and Local veterans' Employment Representatives (LVERs) will serve the employment needs of a large number of veterans now and for years to come. Accordingly, the Department of Labor opposes S. 2515.

In closing, I appreciate the opportunity to discuss change within the Veterans' Employment and Training Service. The dynamic developments in our defense structure present us with a challenge and an opportunity—an opportunity to focus our attention on the most effective employment and training systems that can be implemented, which will continue to serve the veteran who left military

service some time ago while also facilitating the new veterans' transition from defense to civilian employment.

* * * * *

CHANGES IN EXISTING LAW MADE BY S. 2515, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 38—UNITED STATES CODE

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PART III—READJUSTMENT AND RELATED BENEFITS

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CHAPTER 31—TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

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§ 3104. Scope of services and assistance

(a) Services and assistance which the Secretary may provide under this chapter, pursuant to regulations which the Secretary shall prescribe, include the following:

(1) * * *

* * * * * * *

(7)(A) Vocational and other training services and assistance, including (i) individualized tutorial assistance, tuition, fees, books, supplies, handling charges, licensing fees, and equipment and other training materials determined by the Secretary to be necessary to accomplish the purposes of the rehabilitation program in the individual case, and (ii) job-readiness skills development and counseling under section [14(a)(2)] *13(e)* of the Veterans' [Job] *Employment and* Training Act [(29 U.S.C. 1721 note)] *of 1992* for a participant in a program of training under such Act.

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CHAPTER 41—JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

* * * * * * *

§ 4102A. Assistant Secretary of Labor for Veterans' Employment and Training; Regional Administrators

(a) * * *

(b) The Secretary shall—

(1) * * *

* * * * * * *

(3) ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Secretary of Veterans Affairs with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 1712A of this title, apprenticeship or other on-the-job training programs carried out under section 3687 of this title, and rehabilitation and training activities carried out under chapter 31 of this title, and (B) the Veterans' [Job] *Employment and* Training Act [(29 U.S.C. 1721 note);] *of 1992;*

* * * * * * *

§ 4103. Directors and Assistant Directors for Veterans' Employment and Training

(a) * * *

* * * * * * *

(c) In cooperation with the staff of the public employment service system and the staffs of each such other program in the State, the Director for Veterans' Employment and Training and Assistant Directors for Veterans' Employment and Training shall—

(1)(A) functionally supervise the provision of services to eligible veterans and eligible persons by such system and such program and their staffs, and (B) be functionally responsible for the supervision of the registration of eligible veterans and eligible persons in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans and eligible persons in employment and job training programs, including the program conducted under the Veterans' [Job] *Employment and* Training Act [(Public Law 98–77; 29 U.S.C. 1721 note);] *of 1992;*

* * * * * * *

§ 4103A. Disabled veterans' outreach program

(a)(1) * * *

* * * * * * *

(c) Each disabled veterans' outreach program specialist shall carry out the following functions for the purpose of providing services to eligible veterans in accordance with the priorities set forth in subsection (b) of this section:

(1) * * *

* * * * * * *

(6) Consultation and coordination with other appropriate representatives of Federal, State, and local programs (including the program conducted under the Veterans' [Job] *Employment and* Training Act [(Public Law 98–77; 29 U.S.C. 1721 note))] *of 1992)* for the purpose of developing maximum link-

ages to promote employment opportunities for and provide maximum employment assistance to such veterans.

* * * * * * *

(10) Provision of services as a case manager under section [14(b)(1)(A)] *13(b)* of the Veterans' [Job] *Employment and* Training Act [(Public Law 98-77; 29 U.S.C. 1721 note).] *of 1992.*

§ 4104. Local veterans' employment representatives

(a)(1) * * *

* * * * * * *

(b) Local veterans' employment representatives shall—

(1) * * *

* * * * * * *

(12) facilitate the provision of guidance or counseling services, or both, to veterans who, pursuant to section [5(b)(3)] *5(d)* of the Veterans' [Job] *Employment and* Training Act [(29 U.S.C. 1721 note),] *of 1992,* are certified as eligible for participation *in job training programs* under such Act.

* * * * * * *

§ 4104A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives

(a)(1) * * *

(2)(A) * * *

* * * * * * *

(C) Such standards shall include as one of the measures of the performance of such a specialist the extent to which the specialist, in serving as a case manager under section [14(b)(1)(A)] *13(b)* of the Veterans' [Job] *Employment and* Training Act [(29 U.S.C. 1721 note),] *of 1992,* facilitates rates of successful completion of training by veterans participating in programs of job training under the Act.

* * * * * * *

§ 4105. Cooperation of Federal agencies

(a) * * *

(b) For the purpose of assisting the Secretary and the Secretary of Veterans Affairs in identifying employers with potential job training opportunities under the Veterans' [Job] *Employment and* Training Act [(Public Law 98-77; 29 U.S.C. 1721 note)] *of 1992* and otherwise in order to carry out this chapter, the Secretary of Defense shall provide, not more than 30 days after the date of the enactment of this subsection, the Secretary and the Secretary of Veterans Affairs with any list maintained by the Secretary of Defense of employers participating in the National Committee for Employer Support of the Guard and Reserve and shall provide, on

the 15th day of each month thereafter, updated information regarding the list.

* * * * * * *

§ 4108. Cooperation and coordination

(a) * * *

(b) The Secretary of Veterans Affairs shall provide to appropriate employment service offices and Department of Labor offices, as designated by the Secretary, on a monthly or more frequent basis, the name and address of each employer located in the areas served by such offices that offer a program of job training which has been approved by the Secretary of [Veterans Affairs] *Labor* under section [7] *7(c)* of the Veterans' [Job] *Employment and* Training Act [(29 U.S.C. 1721 note).] *of 1992.*

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